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## The Solicitors' Journal.

LONDON, OCTOBER 8, 1864.

THE METROPOLITAN AND PROVINCIAL LAW ASSOCIATION, and the Solicitors' Benevolent Association, held their meetings at Leeds this week, and a full report of their proceedings will be found elsewhere in our columns.

THE ADDRESS OF SIR JAMES WILDE, the chairman of the Jurisprudence Department of the Social Science Congress, on the subject of law reform, was in accordance with the very sensible and temperate character of its author. After glancing at the law as it now stands, and at its want of simplicity, certainty, clearness, and justice, he proceeds to discuss the question how it may be made more simple. He objects to codification as not being capable of application to the numerous and varying circumstances of different cases, and he dwells on the fact that no code of laws was ever yet so framed as that its meaning in all possible contingencies was free from reasonable controversy. A digest is then suggested as the best form in which to gather together the immense bulk of the law which lies scattered over the pages of the numerous reports, and Smith's Leading Cases is mentioned as a model on which such a digest might be made, and published with the authority of Parliament. The effect which this would have of getting rid of innumerable reported cases in which no point of law is decided, as well as of expunging all those cases which have ceased to be law, by reason of subsequent decisions made on appeal, or which have been reversed by more authoritative tribunals, would prove an incalculable benefit to the profession as well as to the country at large.

THE MONEY ARTICLE of the *Times* of Thursday last contains the following, on the question of the liability of insurance companies in cases of gunpowder explosions. The case of *Taunton v. The Royal Insurance Company*, which arose out of the damage caused by the explosion of the *Lotty Sleigh*, will be found in 12 W. R. 549.

The following letter relates to the question which was certain to arise as to the liability of insurance companies with regard to the damage caused to surrounding houses by the gunpowder explosion at Erith. A case which will be used in some degree as a precedent occurred in February last, when a vessel named the *Lotty Sleigh* exploded in the Mersay, causing injury to several houses on the shore. On that occasion the offices, although they did not consider themselves technically liable, resolved to pay all claims. One shareholder, however, of the Royal Insurance Company disputed their right to do so, and prayed for an injunction in the Vice-Chancellor's Court, where the application was refused, the petitioner being condemned in the costs of the process. Until within the last few years, the companies did not hold themselves liable even for losses occasioned by the explosion of gas; but it is believed they always met any claims on that score, provided the circumstances were of an ordinary kind. After the instance of the *Lotty Sleigh*, it was suggested in the *Times* that the offices should come to a fixed decision as to what should be the understanding in all such accidents for the future, but they neglected to do so, and hence there is a possibility that much angry or conflicting discussion on the subject may now have to be encountered:—

“Erith, Oct. 5.

“Sir,—A question will very naturally arise, who is to pay for the damage done to furniture, the loss under which head is, taking my own case, which I think is slight compared with some, far more serious than is made out in the newspaper accounts.

“I happened to be insured in the Sun Fire office. Their

managers regret ‘that they must decline compensating’ for the injury my property has sustained. What course other companies may take I do not, at the moment, know; but it will be well that this question should be at once ventilated in order that we may know what course to take. It seems clear that some one ought to pay, and I thought, even if not legally liable, they might at least listen to claimants, and meet them in part under their policies.

“I enclose my card, and I shall feel obliged by the insertion of these few lines in your columns.

“Your obedient servant,

“INSURE.”

THE DECISION in a case of great importance to the proprietors of refreshment-rooms at railway stations, and travellers, was given by Mr. Arnold, the magistrate at the Westminster Police-court, on Wednesday last. Addressing Mr. Childs, solicitor to the Licensed Victuallers' Protection Society, for the defence, he said:—

The case before me is one upon a summons taken out by the police against Mr. Henry Fisher, the proprietor of the refreshment rooms at Victoria station. The facts of the case are briefly these:—The defendant was summoned by the police for keeping open his house, being the refreshment-rooms at Victoria station, for the sale of liquors before the hour of one o'clock in the forenoon of Sunday, the 18th of September, the same not being for the refreshment of travellers. The house was opened at twenty minutes to one, and certain persons, in all thirty, were present, twenty-five of whom went by a train ten minutes afterwards, and five left the station, and apparently had no intention of going by the train. Mr. Fisher and his servants thought them *bona fide* travellers, and served them under that impression. The question is, whether or not, under those circumstances, the defendant has committed an offence. My opinion, and Mr. Selfe's also, is, that, by the construction of the Act of Parliament, none of these thirty persons were travellers, for, before they were entitled to be such, they must have begun a journey, or have come to the end of the journey. I think that the meaning of the Act of Parliament is, that persons who are in transit from one place to another are entitled to receive refreshments as travellers, and that persons who merely intended to be about to travel are not travellers under the meaning of the Act; they might change their mind; go by the next train, being too late; or a thousand other things. That being our opinion, there is, of course, nothing left for me but my duty to convict the defendant; but, at the same time, it is not a case for a penalty, for the defendant has, no doubt, been under the impression that he was doing perfectly right. It is a very important matter, and if you like (addressing Mr. Childs, the defendant being absent) I will grant you a case to take up to a superior court. Had these persons been at an arrival platform, then they would have been travellers. The natural supposition, no doubt, is, that persons who are about to begin a journey are travellers, but, according to the meaning of the Act, they must have begun it.

Mr. Childs said he was in a position to prove that several persons and railway officials were refused by Mr. Fisher and his servants when they applied for refreshments, as they did not go by the train. In the absence of his client, he should certainly take upon himself, after what had fallen from his worship, to state a case.

Mr. Arnold—Under the circumstances of the case, I shall order defendant to pay 2s. costs, and enter into his recognizances to come up for judgment when called upon.

The case was then adjourned till Wednesday, to give Mr. Childs time to prepare his point.

The definition of a traveller here given by Mr. Arnold cannot, we apprehend, be sustained. A person arriving at a railway station to take the train is not, as a matter of course, beginning his journey; he may have travelled a long distance; but even if he has only travelled the distance of a few miles, and is away from his home, and from any source whence refreshments may be obtained, he is surely entitled to be considered a “traveller” under the Act. Whether the person served is a traveller or not, may be a matter of evidence; but in this case it does not appear that any of the thirty persons were examined on the point; and, on the grounds stated, we think the decision of the magistrate is erroneous.

THE CASE OF JAMES ROWTON, which will be found mentioned in another column, has given rise to a question involving a conflict of decisions. The case was

tried this week at the Middlesex Sessions, before Mr. Payne, the Assistant-Judge, and the prisoner, being a clergyman of the Church of England, was convicted of an indecent assault. When the judge was about to pass sentence, he was requested by the counsel for the prisoner to reserve for the consideration of the Court of Criminal Appeal a point which had arisen with respect to evidence of good and bad character. The prisoner had called witnesses as to his good character, and his counsel had contended that it was not competent to the prosecutor to call a witness to testify to the prisoner's bad character. In support of this view, the case of *Reg. v. Burt, & Cox's Crim. Cas. 284*, was cited. In the cited case, Burt was indicted for stealing from a dwelling-house. A witness was called who gave evidence of the prisoner's general good character, and the prosecution proposed, in reply, to give evidence of the prisoner's general bad character. His counsel referred to "*Russell on Crimes*," by Greaves, page 786, where it said—"The prosecutor cannot enter into the defendant's character, unless the defendant enable him to do so by calling witnesses in support of it; and even then, the prosecutor cannot examine to particular facts, the general character of the defendant not being put in issue, but coming in collaterally." The judge, Martin, B., considered the authority cited from Russell very old, and objected to the course proposed, as giving the right to the counsel for the defendant to address the jury on the evidence, and the counsel for the prosecutor a right to the general reply. On the following day, Martin, B., said—"With reference to the case of Henry Burt, in which a question was yesterday raised of whether or not, after a witness had given evidence of the prisoner's good character, it was competent to the counsel for the prosecution to give evidence of the prisoner's general bad character, I have consulted my brother Erle, and he agrees with me in thinking such evidence inadmissible. He says he has never known such a course pursued, and thinks it ought not to be allowed."

Mr. Payne admitted the evidence brought against the prisoner's character, notwithstanding the authority of the case of *Reg. v. Burt*, on the ground that in all the text-books on the subject, from the earliest times to the present, it was distinctly laid down that such evidence is admissible; and he quotes the paragraph from "*Russell on Crimes*," set out above, and another paragraph from another work, stating the law in the same terms. Although, in *Reg. v. Burt*, the judges considered the evidence inadmissible, it appears to have been admitted, because the counsel for the prisoner would have been placed in an awkward position in objecting to it. As far as experience goes, such evidence is usually admitted; and it is well known that the dictum of Martin, B., in *Reg. v. Burt*, has been called in question. The reason given by "*Russell on Crimes*," appears to us to outweigh every consideration touching counsel's right of reply:—When a prisoner has put his character in issue by calling evidence in support of it, justice will not be satisfied by evidence being admitted to rebut what has been advanced in the prisoner's favour.

THE COMMISSION appointed to inquire into the state of the fisheries of the United Kingdom, has commenced its sitting for the Liverpool district.

THE APPROACHING PUBLICATION OF SCOTTISH RECORDS has been announced. The Right Honourable Sir William Gibson-Craig, Bart., Lord Clerk-Register of Scotland, has obtained the sanction of her Majesty's Government to a series of publications which will throw open the rich, but hitherto little known, treasures of the Register House. Two official papers have been prepared by the direction of the Lord Clerk-Register, and submitted by him to her Majesty's Government. The first relates to the publication of a series of calendars of Scottish state papers and records from 1488 to 1707, and of a series of chronicles and memorials of Scotland from the beginning of Scottish history to

the death of King James the Fifth, in 1542. The second paper is explanatory of the publication of a collection of photo-zincographic facsimiles of Scottish historical documents from the beginning of record in Scotland, in the eleventh century, to the union with England in 1707. The works enumerated in these two papers are of the highest interest, and their publication will throw open to the public a vast field for historical research.

THE NUMBER OF PERSONS now in prison in Belfast, awaiting their trial on charges arising out of the late riots, is stated to amount to 120. At one time it was expected that a Special Commission would issue for the purpose of trying these offenders, and that the Court would sit next week for that purpose; but as fifteen days' notice of the sitting of the Commission must be given, we should, by the end of that period, be almost in Michaelmas term, when the judges would be sitting in the superior courts. It has also been urged that the Commission would clash with the quarter sessions to be held next month at Belfast. Meantime, the families of those who are thus being detained in idleness are suffering from want of food, and thus adding considerably to the loss the community has sustained by these unfortunate disturbances.

THE HOUSELESS POOR OF THE METROPOLIS will this winter be better provided for than heretofore. The Act for distributing the cost of their relief over the whole of London came into operation on the 29th ult., and the Metropolitan Board of Works and the guardians of the poor have the charge of carrying out its provisions.

THE REPORT OF THE COMMISSIONERS appointed to inquire into the constitution, practice, and procedure of the High Court of Admiralty in Ireland, discloses all which we require to know respecting the jurisdiction and course of proceeding of that tribunal, and suggests several very wholesome reforms. It is very remarkable, that although, as long ago as the year 1829, it was suggested that the practice of this Court should be assimilated to that of England, and that the officers should be paid by salary instead of fees; and although the English Court of Admiralty has undergone considerable reform, and even the prior chancery and common law courts have been benefited by like provisions, yet the Irish Court of Admiralty is still lying torpid in its old-fashioned "forms" and modes of procedure. The Commissioners advise that "it is desirable, in the interests of shipping and commerce, that the High Court of Admiralty of Ireland should, in accordance with the terms of the Union, be retained as a distinct and separate court exercising admiralty jurisdiction in Ireland, in the same way and to the same extent as the High Court of Admiralty of England does here and in Wales." Among the chief recommendations of the report we find it suggested that the jurisdiction, practice, and procedure of the High Court of Admiralty of Ireland should, as far as practicable, be assimilated to that of the High Court of Admiralty of England; that instead of an appeal from the decisions of the Court to a Court of Delegates, the appeal should lie to the Court of Appeal in Chancery in Ireland, with power to the Court to call in a neutral assessor; that an appeal should lie from the latter Court of Appeal to her Majesty in Council, provision being made for adding to the Judicial Committee of the Privy Council one or more members of the Privy Council in Ireland; that the appellant should be at liberty to appeal to the Queen in Council in the first instance, and without resorting to the intermediate Court of Appeal; and that the law and practice on appeals from the Irish Court should be assimilated to that of England. But for the fact that reports founded on careful research and valuable evidence, and bearing the germ of all that tends to perfection, have been from time to time, and are hereafter likely to be, left unnoticed by the Legislature, we might be able to express

a confident expectation that the suggestion of this report will some day be made law. Perhaps, however, some champion may yet be found bold enough to stir up those who ought to act upon this report.

THE COMMISSIONERS under the Sheffield Water Company's Inundation Act held their first sitting at the Town Hall, Sheffield, on the 4th instant. The number of claims sent in is 3,300, principally for small amounts; but a period of three weeks remains during which claims can be sent in, a considerable number of the largest of which has not yet been received.

LORD CHIEF JUSTICE ERLE has presented two magnificent altar candlesticks, of solid silver, to Winchester College.

MR. ARCHIBALD JOHN STEPHENS, Q.C., LL.D., has been appointed Chancellor of the diocese of Bangor.

WE HAVE TO RECORD the death of Mr. Commissioner Fane, which took place somewhat suddenly, at Weymouth, on the 4th instant. For some time past his Honour has been in a feeble state of health, and unable to attend to his public duties. Mr. Registrar Winslow has recently been sitting as deputy-commissioner; and on the 5th instant, on taking his seat, he said, with considerable emotion, that the bar and profession generally would unite with him in the regret which he felt at the death of Mr. Commissioner Fane, who had for many years administered justice in that court. He considered that it would only be a proper mark of respect to the memory of the late commissioner to adjourn the Court. He therefore proposed that all the sittings appointed to be held that day should stand adjourned until the same time on the morrow, and he adjourned the Court accordingly. The deceased commissioner was a man much esteemed in private life, and was most amiable in his character and disposition. In his judicial capacity, although not considered a shining light, yet he possessed those sterling qualities calculated to command respect from those with whom he came in contact. In the year 1823 he was appointed a commissioner of bankrupts; and upon the establishment of the Court of Bankruptcy, in 1831, he was nominated by Lord Brougham as one of the six commissioners. It is understood that Mr. Registrar Winslow will be appointed to the vacancy.

THE DEATH OF CHARLES WINSTON, Esq., of the Home Circuit, which took place on Monday, the 3rd instant, at his chambers, No. 3, Harcourt-buildings, was remarkably sudden. The deceased gentleman had been staying in the country, and only arrived in London on the previous day. Intending to return by a four o'clock train, he sent his clerk to cash a cheque, who, on his return, found his master lying on the floor, apparently dead. Assistance was at once procured, but the medical man was of opinion that life had been extinct for some time, and that death was caused by disease of the heart.

WE REGRET TO RECORD the death of John Lacy, Esq., barrister-at-law, and editor of the "Mofussillite." He died at Manchester, after a protracted illness.

#### THE MEDICAL ACT.

Recent decisions have called attention to the medical profession, and to the Act which regulates the qualification of its members. Although the law on this subject is regulated by the special Act, 21 & 22 Viet. c. 90, and by the two Acts since passed for the purpose of amending it, we cannot say that a satisfactory condition of things has been arrived at. Our correspondent, "J. Culverhouse," to whom we are indebted for suggestions on various subjects, especially takes up the cause of homeopaths, and refers to the case of *Scheibler v. Harding*, reported in the previous number of this Journal.\* In this particular case the hardship appears to have consisted in the fact that, though the practitioner, the plaintiff, was a foreign medical man, he

could not claim in that capacity, as he is not registered in this country. Now, by the 32nd section of the Act no person is entitled to recover any charge, in any court of law, for any medical or surgical advice, attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under the Act. The 23rd section of the Act says that—

In case it shall appear to the general council that an attempt has been made by any body, entitled under this Act to grant qualifications, to impose upon any candidate offering himself for examination an obligation to adopt, or refrain from adopting, the practice of any particular theory of medicine or surgery, as a test or condition of admitting him to examination, or of granting a certificate, it shall be lawful for the said council to represent the same to her Majesty's most honourable Privy Council, and the said Privy Council may thereupon issue an injunction to such party so acting, directing them to desist from such practice; and, in the event of their not complying therewith, then to order that such body shall cease to have the power of conferring any right to be registered under this Act so long as they shall continue such practice.

If, as was suggested by the judge, the 23rd section of the Act was intended to apply to homeopaths and other practitioners who do not possess the qualifications required by the Act, it appears, in our judgment, improbable that it could ever be made applicable for that purpose; because professional jealousy would forbid the admission of those whom they are wont to consider as "irregular" practitioners. The question put by Mr. Culverhouse, "Is the practice of homeopathy legal in the present state of the law?" raises the exact point at issue. If it is illegal, why is it not suppressed? If legal, the Act now in force works a great hardship as regards a body of men whose practice of medicine is, to say the worst of it, very harmless, and who, if not labouring under difficulties, and entitled to the protection of the law, would exhibit as much learning and merit as those who practice the "old system." Whether homeopathy is sufficiently advanced as a science to claim special legislation in its behalf, we do not profess ourselves competent to determine; but we very much incline to the opinion that if it were given a fair trial, and its practitioners recognised by the Legislature in such a manner as to give them a legal status, it might be left to work out its own fame or its own ruin, according to its merits. The law as it now stands is unequal, and might, with advantage, be amended in the respect we have pointed out. Homeopathy has been and is vastly increasing in favour with a large portion of the educated part of the community, and if recognised would, we doubt not, find adequate support. The difficulty would probably consist in the question whether the Legislature would be competent to decide on a subject so essentially foreign to their functions as the science of homeopathy, and whether any body of men could be called upon for evidence on the subject except the members of the legalised medical profession, who are, from circumstances, in direct antagonism to homeopathy. Time alone can bring about such a recognition. Many collateral questions would arise, and great difficulty would be experienced in excluding empirics. Hydro-paths might be desirous of obtaining whatever benefits might accrue from a recognised legal status; and other practitioners, meritorious in their way, and having many disciples, would probably expect to be taken notice of. To draw the line exactly in the right place would be not only difficult but impossible: how then is homeopathy to be treated, unless by the aid of medical men who shall bear witness to its efficacy? Perhaps a modification of the 32nd section of the Act would at present be the best and only way to effect the desired alteration. That section as it stands is too stringent, and causes many to lose the benefit of their labours, as did the plaintiff in the case of *Scheibler v. Harding*.

On the question of registration, the interpretation of

\* 8 Sol. Jour. 913.



the Act does not appear to be exactly settled. In the case of *Pedgrift v. Chevalier*, 8 W. R. 500, Chief Justice Erle, in delivering judgment, said—"There is nothing in this case to show that the appellant was not in practice as a surgeon before the Act passed; there is nothing to show that he did not possess a diploma from some one of the various learned bodies who are entitled to confer it. The only facts are, that he called himself a surgeon, and was not registered. I do not think that that is enough; for it cannot be maintained that every person who calls himself a surgeon, without being registered, is liable to be convicted." In the case of *Scheidler v. Harding*, the interpretation put upon the 32nd section appears to be strictly in accordance with its enactments, and therefore the decision in that case was not erroneous; but according to the decision in *Pedgrift v. Chevalier*, which was a case wherein the person claiming to be a medical man was defendant, and the fact that he called himself a surgeon, and was not registered, was not considered sufficient proof of want of qualification, shows plainly that the converse is not true. Non-registration is not of itself proof of want of qualification. The case of *Pedgrift v. Chevalier*, comes under the 40th section of the Act, which enacts that—

Any person who shall wilfully and falsely pretend to be, or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner, or apothecary, or any name, title, addition, or description implying that he is registered under the Act, or that he is recognised by law as a physician, or surgeon, or licentiate in medicine and surgery, or a practitioner in medicine, or an apothecary, shall, upon a summary conviction for any such offence, pay a sum not exceeding twenty pounds.

Advantage has been taken of the difficulty caused by the case of *Pedgrift v. Chevalier*, by men who falsely pretend they possess the requisite qualifications, and who advertise themselves as surgeons and physicians, not having any right to use the title they lay claim to. In this manner the profession of physic has been brought into disrepute, as other professions may be, and indeed are, by the "black sheep" who are always to be found hanging on to their skirts. A champion, however, has been found for the medical profession, and last week he was applying for summonses against persons calling themselves surgeons or physicians, and some remarkable scenes have, in consequence, occurred in the police courts. It is now two or three weeks since Mr. Francis Bearnand, calling himself "surgeon-chiroprapist," was summoned to Marlborough-street Police Court for putting that description of himself outside his door on a brass plate. The magistrate was personally of opinion that an offence had been committed within the meaning of the Medical Act, but refused to enforce the penalty unless compelled to do so by *mandamus*, as there was much doubt about the case. Next, we find Mr. M. C. Rogers, a dentist, summoned for "wilfully and falsely taking and using the name of surgeon, implying that he was registered under the Medical Act." When this case was called on, the plaintiff said he "had given notice of having withdrawn the summons," it being ascertained that the defendant was properly qualified; but Mr. M. C. Rogers having been publicly called in question, desired to make his statement in justification, and the magistrate awarded him the costs of his appearance. Dr. Kahn was next summoned for falsely using the title of physician. His solicitor appeared, and stated that his client had been absent from England for some time; and evidence having been given that the summons had never been served on Dr. Kahn, the case came to an end. Another summons, which was returnable the same day at the Marylebone Police Court, gave rise to a very extraordinary scene. Mr. Talley, respecting whom it does not very clearly appear whether he was the plaintiff, or only the solicitor for the plaintiff, is reported to have entered upon a wild declamatory speech, and could not be induced to desist, nor to state his case distinctly.

Ultimately, however, the summons was dismissed, and Mr. Talley condemned in costs. For a report of what took place, our readers are referred to the daily papers of Thursday, the 29th ult. There is nothing very unusual in the circumstance of several summonses taken out by the same person being dismissed, because out of a numerous class of defendants several may be able to make a good defence. Here, however, we have the representative of a public body condemned to pay costs in four cases within the space of two days. We say representative of a public body—for one at least of the summonses was taken out by Mr. Talley on behalf of the Medical College of Registration and Education; but as against that fact, Mr. Talley stated at Marlborough-street that he represented the "women of England." But whoever he represented, we are well assured that such ill-advised proceedings as those we have mentioned are calculated to bring both the legal and medical professions into disrepute, and we hope no more cases of a similar nature will appear. Nothing can be more proper than that the law should be set in motion as against those who habitually infringe its provisions; but the act of wantonly instituting proceedings without being first assured of having a "good case," is to cast a slur on the administration of justice, and to give impunity to many wilful offenders. The Medical Act requires amendment in several particulars. These irregular proceedings before police magistrates do more harm than good, and, without proper organization, can never effect their object. Such occupations as that of a chiroprapist may be easily distinguished from the profession of surgeon or physician, properly so called, in the same way as that of homœopathist or hydropathist might be; and there is no reason why those who are so useful should not have a recognised position, even if it consist only in being excepted from the Act. Then, again, such decisions as that of *Pedgrift v. Chevalier* might be provided against by a very moderate amount of attention in the framing of a short Act, and we should be pleased to see a bill introduced next session with a view to remedy these defects in the law.

## REAL PROPERTY LAW.

### MORTGAGEE PARTING WITH THE DEEDS.

*Dowle v. Saunders*, Y.C.W., 12 W. R. 1074.

We recently had occasion to consider the law regulating the right to the custody of title deeds as between tenant for life and remainderman. The present was a case of priority between incumbrancers, which arose from this parting by the first mortgagee's solicitor with the deeds to the mortgagor. The deeds in question related to a property called Oxlease, belonging to one Saunders, the legal estate in which was outstanding in a mortgage, who had been paid. Saunders, by indenture, in 1847, mortgaged Oxlease, with other property, to Maillard & Thirkill, and on the execution of the mortgage deposited the deeds with Stone & Turner, who were solicitors as well of the mortgagees as of Saunders himself. In 1848 he called at their office, and, on his pressing representation to Stone that a railway company was about to take the property, and required inspection of the deeds, Stone, without consulting either partner or clients, allowed him to take the deeds, under a promise to return them in a few days. Instead of doing so, Saunders sent the deeds to Dowle, who had no notice of the mortgage, in exchange for other title deeds which Saunders had deposited with him, as security, in 1846. Upon Saunders' death, Dowle obtained an administration order on summonses against Saunders' widow and executrix. Subsequently, and before any certificate was made under the order, Maillard & Thirkill's mortgage, was, in 1854, after mesne assignments, transferred to Stone & Turner. They appear never to have made any sufficient inquiry for the deeds, but their only information as to Dowle's claim was derived from his affidavit on the summons. Neither party inter-

ferred with the possession of Oxlease. At length the plaintiff, Dowle's executor, filed his bill against Stone & Turner and others, to establish his security as a first charge on the Oxlease property.

Mr. Jarman, in his introductory remarks on Mortgages, 3 Conv. Prec. 482, says it is observable that, in all the cases in which the delivery up of the deeds by a mortgagee has been held not to postpone him, some plausible ground had been alleged for requiring them out of his hands. It is thus that cases which we propose to mention have been brought within the rule which Lord Eldon, controverting, as founded in error, a rule of Mr. Justice Buller, that a second mortgagee, who had the title deeds, without notice of any prior incumbrance, should be preferred, laid down, in *Evans v. Bicknell*, 6 Ves. 190, in these words—"The doctrine at last is, that the mere circumstance of parting with the title deeds, unless there is fraud, concealment, or some such purpose, or some concurrence in such purpose, or that gross negligence that amounts to evidence of a fraudulent intention, is not of itself a sufficient ground to postpone the first mortgagee." In a somewhat similar case of recent occurrence the present Lord Chancellor decided that the mortgagee prior in time was entitled to keep his priority, but that the second mortgagee, who had got possession of the deeds without notice of the prior mortgage, was entitled to retain them for what they might be worth (*Fagg v. James*, 6 L. T. N. S. 675). The case was afterwards compromised. The case before Lord Eldon was not one of a mortgagee, but a trustee parting with deeds. It is, however, treated by the Vice-Chancellor as the leading case on the present subject; and, indeed, Lord Eldon, in a case which we shall notice, decided by him twenty-five years afterwards, said that, in declaring the rule, he had taken great pains to settle the principle on which the Court ought to proceed in such questions, and that no case which had occurred since furnished any sufficient ground for disputing the law as laid down by him.

Rather less than a century before, there was a case heard by Lord Chancellor Harcourt, where a mortgagee of leasehold was applied to by the mortgagor to let him have the original lease, that he might see the dimensions of the house, as he was about agreeing with a person for rebuilding part of it, which the mortgagor alleged would better the security. The mortgagee, unwilling to trust him, went with him to the house. When there, the mortgagor sent to another person and his attorney, with whom he was in treaty for a loan on the security of the house, and who had required to see the lease, a message that they might now see it. They came, and the mortgagor, on a representation to the mortgagee that the person respecting the rebuilding was then in the house, obtained the lease, and borrowed, on a mortgage of part of the property, a sum from the person who had come, excusing himself at the same time to this mortgagee from delivering the lease to him, on the ground that it concerned more than what he had in mortgage. An hour afterwards the mortgagor returned the lease to the first mortgagee, who knew nothing of the other transaction. Subsequently the mortgagor borrowed a further sum from the second mortgagee, and prevailed upon the first, who did not know the object, to let him have the lease a second time. The second, by his bill, prayed that the first might be postponed, by reason that it was a fraud in the mortgagor, and that the first had been privy to it. But Lord Harcourt dismissed the bill, because of the greater negligence of the second, and because it appeared that the first was imposed on; for he parted with the lease only to better his own security, and had the most specious pretence that could be for it, and therefore it could not, without manifest proof, be objected to him that he let the mortgagor have the lease to show to the other, or with a design to draw the other to lend him money: *Peter v. Russell*, 2 Vern. 726. On a comparison of this reasoning with Lord Eldon's rule, his expression that, under the circumstances specified by him parting with the deeds is not "of itself" a sufficient

ground for postponement, may be interpreted as meaning, or as including the meaning, that the burden of proof of any inequitable privy on the part of the first mortgagee will be thrown on the second.

In *Evans v. Bicknell*, the trustee seized in fee upon the trusts of a marriage settlement delivered the deeds, with the approbation of the wife, tenant for life, to the husband, tenant for life in remainder, with an ultimate reversion in fee, who, having got them, mortgaged in fee. The mortgagee charged that the trustee delivered them for the purpose of enabling the husband to represent himself to the mortgagee as owner, and prayed a sale, and also relief against the trustee personally. The trustee's tale, confirmed by evidence, was that the husband, having been insolvent, said he wanted the use of the deeds merely to show some one with whom he was in the habit of taking credit in trade that he and his wife were in legal possession of the rents, and promised to re-deliver the deeds in a few hours, or next morning at the furthest. The trustee afterwards applying for them, the wife admitted that she had the deeds, but refused to part with them. He retained the settlement, the husband or the wife having a counterpart. On this Lord Eldon remarked, that the trustee retained his part as evidence of his title to have the deeds back again, and that it was not the case of a person delivering them to another, who had not in his hands that which would show the real nature of the title, but to one who, acting honestly, would produce that settlement. It was, to a certain degree, trusting to his honesty as to that; but it varied the state of the case where a party was to be charged on the ground of fraud, or negligence so gross as to be evidence of an intention of fraud. This remark is illustrative of the rule quoted above; for the remark was applied by Lord Eldon to the question of relief against the trustee for fraud, the prayer for a sale of the settled estate having been held to fail, except as to the mortgagor's interest. Against the trustee also the bill was dismissed, but without costs.

The pretext under which a mortgagor got an original lease out of the mortgagee's hands, in the other case before Lord Eldon, *Martinez v. Cooper*, 3 Russ. 198, was, that the mortgagor wanted the lease for the purpose of showing it to a gentleman then in treaty for the purchase of the house, who was desirous of ascertaining what the covenants were by which the lessee was bound. The mortgagor then sold without notice of the mortgage; but, before completion of the sale, his solicitor received notice from the mortgagee's solicitor that a client of the latter was to receive a sum out of the purchase-money. Lord Eldon in his judgment asked whether, under these circumstances, there was fraud on the part of the mortgagee, or that sort of negligence, or that concurrence in the acts of the mortgagor, which in that court amounted to evidence of fraud; and the Lord Chancellor affirmed the decree of the Vice-Chancellor refusing relief against the mortgagee.

Similar, as to the deeds, was the case of *Stevens v. Stevens*, before Vice-Chancellor Knight Bruce, 2 Coll. 20. A solicitor who had taken from a client a mortgage in fee with power of sale, and gone into possession, and had transferred to another client, still retaining possession, applied to the transferee for the deeds, that an abstract might be made with a view to a sale. The evidence was that the solicitor came to his office with the transferee, and said to a clerk, "You know I have sold old S.'s farm to L. Mr. S. (the transferee) has brought the deeds. I wish you would make an abstract, and send it to R. & L." (the purchaser's solicitors); that the clerk then assisted the transferee in taking the deeds out of his coat pocket; that they were then left at the office; and that the deeds of transfer were not with them. The solicitor completed the sale about three months afterwards, as under the power of sale in the mortgage to him, and subsequently absconded. The Vice-Chancellor held that there was not gross negligence on the transferee's part, and refused to grant relief by postponing him, if he had not, before the

time when the solicitor absconded, notice of the payment of the money to him. That fact was not cleared up by an issue, as there was a compromise. Two circumstances were pressed against the transferee, which, regard being had to the previous authorities, deserve attention. He did not deliver all the deeds necessary to make a complete or honest abstract, because he retained the deed of transfer; the deeds were not returned to him. There being no reason on other grounds to suspect the fraud, the Vice-Chancellor did not think the first circumstance entitled to much weight. The defendant, a farmer, probably thought there could be no harm in lending the title deeds to the solicitor, but he had rather not part with his own deed. It might not be wanted; if it were, it could be asked for. As to the deeds not being returned, the defendant was not bound to suspect anything wrong in one who was his solicitor, and he was certain, it might be assumed, that the purchase-money could not be paid while he retained his deed.

In all the preceding cases the evidence showed under what pretence the deeds had been obtained; but in *Allen v. Knight*, before Vice-Chancellor Wigram, 5 Hare, 272, two trustees lent the trust moneys to their two co-trustees upon a deposit of title deeds to property of which the co-trustees were tenants in common. The deeds, having been placed in the hands of one of the lending trustees, came, by some means which were not explained, into the hands of one of the depositors. He then deposited them with other persons by way of equitable mortgage of his moiety, without notice of the prior deposit. This depositor becoming bankrupt, his assignees sold his equity of redemption to two persons, who, having previously acquired the second security made by him, clothed themselves with the legal estate in this moiety, but in completing the purchase had notice of the first deposit. The bill was filed against the solvent depositing trustee, the lending trustee who received the deeds, the purchasers, and the *cætui quo truste*, by the other lending trustee, and prayed that the trust money might be declared a charge on both moieties. The purchasers defended themselves on the ground of the plaintiff's negligence in permitting the deeds to come back to the depositing trustee. The legal estate got by the purchasers under such circumstances was held by the Vice-Chancellor to make no difference. On the question of the plaintiff's negligence, an argument by the purchasers that the co-trustee in whose hands the deeds were first placed was his agent, touched the principal case, where, as we have seen, the first mortgagee's solicitor was the person parting with the deeds on his own responsibility. On the point thus raised in *Allen v. Knight*, of negligence by the agent, the Vice-Chancellor said, without relying upon the term "agent," he was not prepared to deny that the plaintiff might be bound by the acts of the co-trustee; but there was no evidence what those acts were, or by what means the bankrupt trustee obtained possession of the documents; and, in the absence of information upon that point, the case of *Keans v. Bicknell* was an authority that the mere possession of the title deeds by the mortgagors was not sufficient of itself to postpone the claims by the first equitable mortgagees.

While the case last cited is an authority that the fact, unexplained, of a return of the deeds from the mortgagee's into the mortgagor's hands will not be a sufficient ground to postpone the mortgagee, it would not be safe for him, at least if he retains his own mortgage deed, to rely on any mere plausible pretext under which the mortgagor got possession of the deeds. Lord Eldon's rule, viewed as a guide in practice, must be interpreted by cases to which it has been applied. In those which we have noticed it is essential that there were circumstances to afford to the mortgagee a justification for confidence in the mortgagor, and for acting throughout on that confidence. So in the old case before Lord Harcourt, the mortgagee, who manifested great caution, was entrapped into such confidence by his being brought into the house, where, it was said, the builder was waiting to

look at the deeds, and by the return of the deeds in the house. In *Evans v. Bicknell*, Lord Eldon dwelt on the possession by the tenant for life of a counterpart of the settlement, and, moreover, he thought that the frame of the fraudulent mortgage indicated that the mortgagee might be aware of the true character of the mortgagor's interest; and in *Martinez v. Cooper* there was the notice to the purchaser's solicitor. Knight Bruce, V.C., based his judgment on the influence due to the solicitor.

These are the principal cases on the subject of a mortgagee's parting with the deeds. There are others on taking a security without the deeds; but any notice of them would extend these remarks too far. From one of them, *Herwit v. Loosemore*, 9 Hare, 449, the Vice-Chancellor, in the principal case, derived an explanation of "fraud," as used by Lord Eldon—that, where a person thought he had better not know what, under reasonable circumstances, he might have known, and ought to have known, the Court would fix him with the knowledge which he might have obtained on reasonable inquiry. The question was, whether the defendants Stone and Turner had done all that reasonable persons could be expected to do, to discover what had become of the deeds. No sufficient inquiry was made during the seven months which preceded, or the five years which followed, Saunders' death. The Vice-Chancellor decided that Stone and Turner, who had taken off the mortgage from their clients, with notice of all the defects caused by their own conduct, were not entitled to priority over the plaintiff. Comparing this case with *Stevens v. Stevens*, we may say that there was nothing to justify the confidence reposed in Saunders during the length of time referred to by the Vice-Chancellor. The case did not determine what would have been the position of the clients, the original mortgagees, if no transfer had been taken by Stone and Turner, or of Stone and Turner themselves regarded simply as assignees. Probably the clients would have been postponed on account of the negligence of their solicitors. In that case they would, of course, have had a remedy against the solicitors.

## REVIEW.

*Compensation to Land and House Owners: being a Treatise on the Law of the Compensation for interests in Land, &c., payable by railway and other public companies, with an appendix of Forms and Statutes.* By THOMAS DUNBAR INGRAM, of Lincoln's-inn, Esq., Barrister-at-Law. Butterworths, 7, Fleet-street, 1864.

The Lands Clauses Consolidation Act, 1845, though it dates its existence nearly twenty years ago, still gives rise to much litigation, or perhaps we should speak more correctly in saying that many cases are decided which arise out of proceedings taken under this Act. Landowners, therefore, as well as lawyers, are interested in the subject taken up by the author of this work; and at this time, when railway companies are invading the very heart of London, a work which contains cases very recently decided cannot fail to prove useful. The book treats, in the first place, of agreements made with the promoters of public companies, and advises a course to be pursued by a landholder who is opposing a bill, and, although it cannot be said that the advice can be practically followed out, it will no doubt suggest caution to those whom it concerns. All the minutiae connected with the "purchase and taking" of lands by a railway company are dealt with in regular order, beginning from the notice to treat, dealing with all the nice points which arise with respect to the taking by a railway company of only part of an estate, and also respecting the compulsory powers, and down to the different modes of assessing compensation by justices, by arbitrators, by a jury, and by surveyors. A short chapter upon the question of costs in the several cases previously treated of will, we apprehend, be found serviceable to professional men. "Anxious as we are to give the author every credit for the labour he has bestowed upon his work, both as regards the way in which the numerous decided cases are distinctly brought before the reader, and also the whole plan of the contents, yet we are unable to agree with him in considering that "a fresh treatise seemed to be called for," or that the present work supplies any want. The book



is, without doubt, intrinsically good and useful, but we can scarcely anticipate that it will displace its predecessors, one of which, going over exactly the same ground, appeared last year.

## COURTS.

### JUDGES' CHAMBERS. (Before Mr. Justice SHEE.)

Sept. 30.—Mr. Kenrick applied for the discharge of Alfred Leigh from Flint Castle, under peculiar circumstances.

Mr. Garth appeared in opposition, on the part of the Incorporated Law Society.

It appeared that Leigh had obtained £131 from a farmer named Walker, to get him back some property. He had been called upon by the Law Society to answer the complaint, and he was attached for not answering the affidavits, and committed to prison in April. He had been struck off the rolls by the Court of Exchequer. The matter had been before Mr. Baron Martin, and he stated that unless interrogatories were exhibited by the Law Society before the 25th of September, he might be released. Mr. Kenrick urged the case before his lordship as one in which the defendant had sufficiently suffered. He had been struck off the rolls, and kept in prison for seven months, and had besides been made a bankrupt.

Mr. Garth said the interrogatories had been filed, and had not been answered.

Mr. Kenrick said the prisoner should have been brought up and sworn.

His LORDSHIP observed that the word "exhibited" was used in the order by Mr. Baron Martin.

Mr. Kenrick submitted that they must be exhibited in the proper manner.

Mr. Garth said it was a bad case. No part of the money obtained from Walker had been returned, nor had the costs been paid. The defendant was in custody for contempt, and on the part of the Law Society he had to submit that he was not entitled to his discharge. There were certain documents which he had obtained from Walker, and they must be given up before he could be liberated.

Mr. Justice SHEE thought that if the documents were given up there would be no further objection.

Mr. Garth remarked that he would leave the matter in the hands of his lordship.

Mr. Kenrick was quite willing that all documents should be restored.

His LORDSHIP made an order that the documents should be given up, and then the discharge, it was understood, was to be granted.

Oct. 4.—*Nixon v. Johnson*.—This case, which has been before the Lord Chancellor, was especially brought before his lordship on an application for the release of the defendant, on the ground that he had executed a deed, under the 192nd section of the Bankruptcy Act. The Lord Chancellor had heard the application at his private house, and held that acting in bankruptcy he had no jurisdiction, but that it was a matter for a common law judge. A summons was accordingly taken out before Mr. Justice Shee, and Mr. Cattlin attended in support of the application.

Mr. Cattlin submitted that Mr. Johnson was entitled to his release. The case was different from that of the Rev. Mr. King, in which his lordship had referred the matter to the Court.

His Lordship read the affidavits placed before him, remarking that he had nothing now to do with the case mentioned.

Mr. Cattlin had alluded to the case, because in the present one the deed was made after the arrest, and in the other before that gentleman went to prison.

Mr. Justice SHEE wished to know whether the present application was opposed?

Mr. Cattlin said the plaintiff did not oppose. The attorney in the action had been served.

The attorney for the plaintiff here entered the chambers.

Mr. Cattlin said he had no caveat, as one could not be given in a case to discharge a debtor from prison.

The attorney said he did not oppose the application, and had no objection to his release.

His LORDSHIP granted the application.

This is, it is understood, the first successful application for a release on a deed executed after a commitment to prison.

## COURT OF BANKRUPTCY.

(Before Mr. Registrar Wisniew, sitting as Commissioner.)

Oct. 4.—*In re Sir James John Randall Mackenzie, Bart.*—This was an application for release from custody. The bankrupt described himself as formerly of Seatwell, Rosehaugh, Ross, North Britain; afterwards of Claridge's Hotel, 45, Lower Brook-street; since of 23, Burton-street, Eaton-square; now a prisoner in Whitecross-street. Sir James Mackenzie presented his petition on the 28th of September, and ascribes his difficulties to "insufficiency of income to meet expenses, in consequence of the trustees under a certain deed of assignment made between the debtor and his creditors in September, 1862, not having paid all the creditors, and having failed to pay him the yearly allowance agreed to, and also from the rents of the Meikle Snoddie estates having been stopped." The indebtedness is returned in the preliminary statement at about £4,500, and includes a sum of £976 16s. 10d. due to Mr. Claridge, the hotel-keeper.

Mr. Lawrence appeared in support of the application; and in the absence of opposition,

The learned REGISTRAR granted a release.

— *In re T. Lloyd*.—The bankrupt was described as of Elizabeth-street, Pimlico, of no occupation. He now applied for an order of discharge.

Mr. Sargood opposed for a creditor; Mr. Reed supported.

This bankruptcy occurred in year 1862. The bankrupt did not appear on the day appointed for examination, and he was adjourned *sine die*, without protection. His arrest was afterwards effected at the instance of a creditor. From this custody the bankrupt obtained his discharge, but a second arrest followed in respect of a new debt, and he had since remained in confinement. It appeared that the bankrupt passed through the Insolvent Debtors' Court in the year 1859, when his debts were upwards of £20,000. Since 1861 he had been without occupation, and had lived upon a weekly allowance made by his father. The opposing creditor was Mr. John Jones, a tailor, who, in 1860, supplied clothes to the bankrupt to the extent of £62. It was complained that the debt of Mr. Jones, as well as other debts which appeared upon the schedule, had been contracted without the least probability of payment.

On behalf of the bankrupt it was contended that, inasmuch as the debt of Mr. Jones was contracted before the passing of the Bankruptcy Act, 1861, the Court had no jurisdiction to punish the bankrupt, even should the circumstances be such as to justify the adoption of that course; and reference was made to a case of *Ex parte White*, 12 W. R. 390, where the Lord Chancellor, sitting in bankruptcy, had refused to make the statute retroactive in its operation.

His HONOUR so ruled, and said that, considering the severe punishment which the bankrupt had already suffered by imprisonment, the allowance of the order of discharge would no longer be delayed.

The order was then granted, but the bankrupt remains thirty days further in custody unless a special application be made for his release.

## LORD MAYOR'S COURT.

(Before RUSSELL GUNNEY, Esq., the Recorder, and a Common Jury.)

Oct. 7.—*Drew v. Mortimer*.—The plaintiff in this case is a solicitor, in New Basinghall-street, and the defendant a builder at Lewisham. The action was brought to recover a sum of £39 13s. professional charges.

The defendant, who appeared in person, said he had never employed the plaintiff, but his father, who undertook to transact the business for which he was now charged in consideration of services rendered.

A note was produced, however, in which the defendant calls the plaintiff his solicitor, and

The jury gave a verdict for the plaintiff.

## WESTMINSTER COUNTY COURT.

(Before FRANCIS BATLEY, Esq.)

Oct. 3.—*Friend v. Kain & Sparrow*.—This was a claim for £5 17s. 6d. on account of railway expenses, loss of time, &c.

The plaintiff appeared in person, and from his statement it appeared that the defendants were accountants, and in the habit of negotiating clerkships. The plaintiff being in a solicitor's office at Dunstable, wrote to Mr. Kain, requesting that if he heard of anything likely to suit him (the plaintiff), he might be informed of it. In reply, Mr. Kain wrote to inquire whether plaintiff was a good hand at "settling costs."

adding that if so, and he was disposed to accept an engagement with the firm of Kain & Sparrow, at a lucrative remuneration, satisfactory arrangements might be made, as there was already sufficient work in hand to last three months, and no doubt at the end of that time the plaintiff's services would be still retained. It was also represented that the remuneration varied from £5 to £12 per week, the percentage being one out of five per cent. which the firm charged. This appearing to the plaintiff a very *El Dorado*, he came up to town on a day which had been appointed, and went to the offices of the defendants. Mr. Kain accompanied him to the offices of the solicitors, his employers, and instead of "inducting" him, as had been promised, he (the plaintiff) was left in a cab outside, whilst Mr. Kain went in, and when he returned he brought what purported to be indices to a vast amount of costs. Not liking the appearance of the papers, he asked Mr. Kain how long the preliminary matters were likely to last, and received as answer "a week or ten days," with an intimation that he might either stay in London or go back to Dunstable till the papers were ready for "settling," but in the meantime he might proceed with the "scheduling," during which process he would receive £3 per week. The plaintiff, becoming uneasy, went the next day to the solicitors' offices in the city and found from an examination of the papers that the indexing was likely to occupy several weeks. He then wrote to the defendant Kain, stating that the original arrangement was that he should "settle," and not "schedule," and no doubt the letter was couched in rather indignant terms, which possibly hurt the dignity of the defendant, for the reply of Mr. Kain stated that "remembering Mr. Friend's fear of drudgery," he thought "all further communication should cease, except any account Mr. Friend might send in for loss of time, which, if received, Mr. Kain would consider." In reply to that letter, the plaintiff forwarded the account, upon which he now sued, not having received any offer of payment.

Mr. Palmer appeared for the defendants, and relied upon the correspondence (extracts from which he read) as proving that the plaintiff had no claim on Messrs. Kain & Sparrow, and that Mr. Friend ought to feel grateful to the defendants for their kindness to him. Messrs. Kain & Sparrow were in the habit of engaging gentlemen who had passed their examination as solicitors, but had not taken out a certificate, and amongst others, the plaintiff answered an advertisement which appeared some time in April last. A correspondence ensued, the result of which was, that the plaintiff came up to town at his own risk, to see whether the service of Messrs. Kain & Sparrow would suit and pay him. He was told that he would be paid a certain percentage for such work as he should do. When he arrived, he was taken to the offices in the City, and refused to schedule, being offended at being requested to do so, and, in the result, sent in the claim which he now sought to establish, but which the defendants refused to acknowledge, as being exorbitant. That no claim really existed he should prove by oral evidence, as well as by the written correspondence.

Mr. George James Kain, sworn, examined by Mr. Palmer.—I am an accountant, and a member of the firm of Kain & Sparrow. I have known the plaintiff many years, and on many occasions endeavoured to benefit him, knowing his condition. [The plaintiff is very lame.] He replied to an advertisement of mine, seeking the assistance of some cost-settling clerks. I had correspondence and conversation with him personally in the latter end of April or the beginning of May. He came to my office in a cab, and I told him that I would take him to the office where his duties would be performed, and show him, to the best of my ability, what he would have to do. Nothing was said about payment of his travelling expenses. I believe I agreed to give him one and a-half per cent. When in the City I wished him to commence work at once, and he refused. He objected to what I consider work preliminary to cost-settling. He said his reasons for refusing were numerous. He said he did not know that it would answer his purpose, and he was very abusive. I believed he went the next day to the *locus in quo*, and did not like what he saw. He broke his contract with me, and put us to serious loss and inconvenience.

Cross-examined by plaintiff.—I do not remember offering you only one per cent., but it may be so. I repeat that you answered my advertisement for cost-settlers, notwithstanding that you call my attention to a letter in which I inquire whether you are "a good hand at cost-settling." When I wrote to you, telling you that all further communication should cease, and writing you to send in an account, I was anxious still to act in a friendly manner towards you; and,

had the account been reasonable, I might have considered it favourably. I consider that you broke the engagement by leaving London, and going back to Dunstable, when the intention was that you should commence work immediately upon arrival.

Mr. William Sparrow sworn, examined by Mr. Palmer.—I am a member of the firm of Kain & Sparrow, and know the plaintiff. I never made an arrangement with him as to the remuneration that he should receive. I recollect hearing from a clerk that the plaintiff had been to the office and was very irate. I did not see the plaintiff, but, had I done so, was quite prepared to employ him.

Cross-examined by the plaintiff.—I was not in when you called. I should have expected you to have waited or to have called again if you wanted to see me.

Re-examined by Mr. Palmer.—I believe I returned to the office within half an hour after the plaintiff left.

Mr. Palmer.—That is my case.

The plaintiff said he came to London ready to perform certain duties at a remuneration of one per cent., though Messrs. Kain & Sparrow were to receive five per cent. The firm, therefore, were to pocket four per cent. for the great name of Kain & Sparrow! Was ever such a monstrous imposition palmed off upon the profession? Although he, the plaintiff, had come into court single-handed, the defendants had thought proper to employ counsel, in order further to carry out their oppressive course of conduct.

His Honour.—My opinion is that this claim cannot be supported. The correspondence commenced on the 15th, and concluded on the 26th of April, on which latter day the plaintiff writes to say that he will come to town to see whether the duties are likely to suit him, as he "cannot afford to try any dubious experiments." On the very next day the plaintiff comes to London and sees Mr. Kain, and it is quite clear, from the evidence, that there was never any completed engagement. Mr. Kain and the plaintiff drive to the solicitors' office and the plaintiff at once objects to the work which he is asked to do. The plaintiff comes up at his own risk, and when he and the defendant come together they cannot agree, and the plaintiff goes back. It seems to me that the claim wholly fails.

The Plaintiff.—The defendant invites me to send in an account.

His Honour.—He was willing to do that which he was not bound to do.

Mr. Palmer.—I must apply for the costs.

The Plaintiff.—I hope your Honour will consider that I had a sufficient *prima facie* case, and ought not to be further mulcted.

His Honour.—I cannot refuse the costs if they are pressed for.

Mr. Palmer.—I will ask for the costs of the witnesses.

His Honour.—Very well.

#### MIDDLESEX SESSIONS.

(Before Mr. PAYNE.)

Oct. 3.—James Rowton, a clerk in holy orders, who was convicted in this court on the previous Friday of an indecent assault, was placed in the dock.

Mr. Sleigh, for the prisoner, asked for the decision of the Court as to points of law being reserved, which he raised in the course of the trial.

Mr. PAYNE said.—In this case (which was tried before me on Friday last, and in which the jury found the defendant guilty of an indecent assault upon the prosecutor, a lad about fourteen years old), when I was about to pass sentence, I was requested by Mr. Sleigh, who was counsel for the accused, to reserve for the consideration of the Court of Criminal Appeal a point which arose with respect to evidence of good and bad character. He contended that it was not competent for the prosecutor to call witnesses to testify to the prisoner's character, after witnesses had given evidence of his good character, and he cited the cases of *The Queen v. Burt & Others*, in "Cox's Criminal Cases." I had admitted such evidence, notwithstanding the case cited, on the ground that in all the textbooks on the subject from the earliest times to the present, it was distinctly laid down that such evidence is admissible. This appears from "Buller's Nisi Prius;" from "Cowper's Reports;" from "Russell on Crimes and Misdemeanours;" from "Roscoe's Digest;" and from Starkie's, Taylor's, and Best's "Treatises on the Law of Evidence." In some of them it is stated thus:—"The prosecutor cannot enter into evidence of the defendant's bad character unless the latter enable him to do so by calling witnesses in support of his good character, and even then the prosecutor cannot examine as to particular facts."



In others it is said, "Although in a criminal prosecution evidence cannot in the first instance be given to show that the prisoner has borne a bad character, still if he sets up his character as an answer he puts it in issue, and the prosecutor may encounter his evidence either by cross-examination or contrary testimony." It appears to me that the case of *The Queen v. Burt*, which does not, according to the report, seem to have been argued, or to contain any reference to any authority, ought not to be acted upon by me, and I am still personally of the same opinion. I do not find that it has been recognised at law, or acted upon in any other case. On the contrary, in a late edition of one of the treatises above referred to, its correctness is questioned as a decision at variance with principle, and also with all the statements uniformly preserved in all the text-books as to the state of the law on the subject. Mr. Sleigh further requested me, if I should determine upon the point, to admit the prisoner to bail, to abide by the decision of the question. Mr. Taylor, for the prosecution, also submitted that I might alter the verdict, and examine the witness who had given evidence of bad character, but had carefully been prevented from stating particulars as to these facts for the purpose of influencing the conscience of the Court so as to regulate the sentence. I declined to determine either of the questions raised until I had consulted the Assistant-Judge, and his opinion on the main question agrees with mine, but he considers it of so much importance that I may properly reserve the point. I have therefore determined upon doing so; but I do not propose at present to institute any further inquiries. But we are both of opinion that, under the circumstances, we should not be justified in admitting the prisoner to bail.

Mr. Sleigh said—There is another point upon which your lordship has not given any decision. I objected to your lordship calling attention to something which was said in open court by a person who was not examined on oath. My notion is that it is the duty of the judge to caution the jury against paying any attention to anything but the testimony sworn in court, and I took the liberty of objecting to your calling attention to that which was blurted out by some person who called himself the father of the boy. I now ask that you also reserve that point.

Mr. PAYNE.—I did not call the attention of the jury to the interruption as evidence.

Mr. Sleigh.—Then, why was it laid before the jury? How do we know whether or not the jury were influenced by an observation to which their attention was directed, and which was not evidence?

Mr. PAYNE.—Surely you do not ask me seriously to reserve that point?

Mr. Sleigh.—I do most seriously and solemnly ask you to reserve it.

Mr. PAYNE.—I certainly shall not reserve it.

Mr. Sleigh.—I have now to ask that sentence be passed upon the prisoner, as he is not to be admitted to bail.

Mr. PAYNE (after returning to court from a consultation with the Assistant-Judge).—If the object is that the sentence may be going on in the interval which must elapse before the point reserved is decided, we will consider what sentence shall be passed; but if there be any other object, we must decline to pass sentence.

Mr. Sleigh.—And I must decline to tell your lordship what is the object.

The prisoner was then removed.

## APPOINTMENTS.

HENRY HAWKES, of Birmingham, in the county of Warwick, gentleman, to be one of the perpetual commissioners for taking the acknowledgments of deeds to be executed by married women.

## FOREIGN TRIBUNALS & JURISPRUDENCE.

### FRANCE.

#### LIABILITY OF PARENTS FOR ACTS OF INFANT CHILDREN.

The Imperial Court of Poitiers has recently given a judgment which decides a point of law as to the responsibility of parents for the acts of their children while minors. In June, 1863, two boys, named Huet and Maudoux, while playing in a yard containing three hayricks, a stack of 840 faggots, and a pile of 300 cart spokes, mischievously set fire to the hayricks and

caused the destruction of all the property above mentioned, to the value of 4,300 fr., of which 1,000 fr. only had been insured. Maudoux, the father, immediately demanded half his loss, 1,650 fr., from young Huet's father, who refused to pay it, and when the case was tried by the Civil Tribunal the demand was rejected. Against that judgment Maudoux appealed to the Imperial Court, which, after hearing counsel, decided that as parents were by law responsible for all damages caused by their children while minors, Huet was liable for the loss occasioned by his son; that Maudoux, if neither of the boys had been his own son, would have been entitled to recover the whole amount from their fathers; and that Huet's position was not in any way changed by the fact of his son's accomplice being the plaintiff's son. The Court therefore quashed the judgment under appeal, and condemned Huet to pay Maudoux the sum of 1,650 fr. with costs.

#### COMMISSION FOR NEGOTIATING A SALE WHICH DID NOT TAKE EFFECT.

The Imperial Court of Paris has just given judgment in an appeal from a decision of the Civil Tribunal of the Seine of the 3rd December last, in an action in which M. Bourgneuf, an *homme d'affaires*, was plaintiff, and the Marquis and Marchioness de Boissy, defendants. Mme. de Boissy is the owner of extensive estates in the department of the Cher, which she was anxious to sell. She accordingly authorised her husband to act for her in the matter, and in 1860 he agreed to allow the plaintiff (Bourgneuf) a commission of two per cent. on the amount of the sale, if the latter found a purchaser at three millions of francs for the whole, but he was to have no commission if the sale did not take place. The plaintiff, after incurring considerable expense in advertisements and travelling, at last found an intending purchaser in the person of M. Etienne, of Nantes, whom he introduced to M. de Boissy, but they did not come to terms. The plaintiff considered that the failure of the sale was solely the fault of M. de Boissy, and he commenced proceedings to recover from M. and Mme. de Boissy the sum of 1,500 fr. for his disbursements, and 10,000 fr. as a remuneration for his services. The Tribunal, however, awarded him an indemnity of 3,000 fr. only. M. and Mme. de Boissy appealed, and as it was clearly proved that Bourgneuf, according to his agreement, was to have no pay if the sale did not take place, and also that its failure could not be attributed to the Marquis de Boissy, the Court quashed the judgment, and trying the case on its merits, rejected Bourgneuf's demand, and condemned him to pay all costs of suit.

## SOCIETIES AND INSTITUTIONS.

### SOLICITORS' BENEVOLENT ASSOCIATION.

The annual meeting of this association was held at the Philosophical Hall, Leeds, on Wednesday, the 5th inst.; Mr. James Anderton, of London, in the chair. The attendance was rather small. The secretary (Mr. Thomas Elffe) read the report as follows:—

"The directors have the pleasure to report that the society continues to progress favourably, an accession of ninety-four members having been gained during the past half-year, making, with those enrolled during the previous half-year, 208 new members obtained within the year. The aggregate list of members contains now 1,508, of whom 534 are life, and 974 are annual subscribers."

To the special efforts made in connection with the public dinner, may be attributed much of the progress of the past year; and as such favourable results may again be fairly anticipated, it seems desirable to resort periodically to a measure which experience has shown to be well calculated to increase the pecuniary resources of the association, and give it extended publicity.

The Lord Chief Justice of England was unfortunately prevented, by sudden illness, from presiding at the dinner in June last; but (the chair having been taken by Thomas Harrison, Esq., the deputy-chairman of the society, in the unavoidable absence of James Anderton, Esq.) the amount realised was £649 0s. 6d., including a donation of ten guineas sent by his lordship, who at the same time kindly intimated his readiness to take the chair on some future occasion.

The usual abstract of the accounts, examined and certified by the auditors, is appended, showing the total receipts during the past half-year (including the balance of £195 10s. 2d. remaining from the former account) to have been £1,496 3s. 9d.;

and there is now a balance of £279 19s. 1d. to the society's credit with the Temple Bar branch of the Union Bank of London, with £15 petty cash in the secretary's hands.

The directors have great pleasure in reporting the receipt of a donation of 100 guineas from William Hine, Esq., a life member of the association, and formerly a member of the board, in addition to previous donations received from him.

A further sum of £949 3s. 10d. has been invested in the purchase of India Five per Cent. Stock; the entire stock of the society being now, therefore, as follows:—

In Consols .....	£4,680 10 8
In India Stock .....	4,319 9 4

Making together..... £9,000 0 0

The dividends produced by the above, amounting to nearly £350, form the society's annual fund for the relief of cases of distress, under the conditions by which grants are at present regulated.

No claims for assistance were made by members, or the families of deceased members, during the past half-year; but several sums were distributed amongst the necessitous families of solicitors who were not members of this association.

The decease of Mr. Frederick Baker, of Derby, having occasioned during the half-year a vacancy at the board, the directors elected Mr. John James Simpson, of that town, to succeed him; and they believe they have secured in that gentleman an efficient local representative for the association.

The directors have to record the decease of their esteemed colleague, Mr. John Hope Shaw, of Leeds, by which a vacancy has been caused in the offices of trustee and director, which will have to be filled up by the general meeting.

The directors cannot allow the sad event of Mr. Shaw's death to pass without expressing their sincere regret at the great loss which has thereby accrued to the profession and the association.

The CHAIRMAN, in moving the adoption of the report, expressed his regret at the small attendance, and at the limited number of members of the association. He attributed its origin and what success it had had to the fostering care of the Metropolitan and Provincial Law Society. And he thought that great progress might be made by a united effort to increase the number of members, and the sum at the credit of the association. There was hardly a trade or profession throughout the country that had not its society for helping each other, or its poorer members, and it would be much to be regretted if a liberal profession like theirs should have such a paucity of numbers associated for a like purpose. Some discussion took place as to whether a limitation should be made on the sum given to the families of solicitors who were not members of the association. The rule on this point was defended by Mr. Shaen and Mr. Burton, London, and it was agreed that it was better the matter should be left in the hands of the committee.

The report was unanimously adopted.

A resolution expressing the gratification of the association at its progress, and commending it to all members of the profession, was moved by Mr. Hodgson, York, and seconded by Mr. Clare, Liverpool, and carried.

A vote of thanks was given to the directors and auditors, and these office-bearers were re-elected.

Thanks were given to the president and members of the Leeds Philosophical Society for the use of their hall; and a cordial vote of thanks to the chairman concluded the proceedings.

#### METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

##### MEETING IN LEEDS.

The annual provincial meeting of the Metropolitan and Provincial Law Association commenced on the 4th instant, in the Philosophical Hall, Leeds, under the presidency of Mr. E. F. Burton, of London (of the firm of Chilton, Burton, Yates, & Hart), the chairman of the association. The attendance was rather small.

##### THE LATE MR. JOHN HOPE SHAW.

The CHAIRMAN, in his introductory address, alluded to the death of the late Mr. John Hope Shaw, of Leeds. He said that he must say a word to express his deep regret—a regret that he was sure was shared by every one whom he addressed, and by every member of the association—at the loss they had sustained in the death of their late friend, Mr. John Hope Shaw. Speaking as he did, in his own town, where his worth was known and appreciated, it was unnecessary to speak of his talents, his uprightness, his urbanity, and the zeal with which

he applied himself to every good and useful object. The offices he had filled in this town, and his seat at the council of the Law Society, testified to the respect in which he was held by his fellow-townsmen and by his own profession. There was a light behind every cloud, and it was a consolation to them all to know that he died full of years as well as full of honours, and that he had left behind him a career the history of which would be useful to them all.—At the conclusion of his address, the chairman said he thought he should represent the feelings of the meeting by proposing that they should pass a resolution expressive of the regard they entertained for the late Mr. Shaw, and the regret they felt at the loss they had sustained. Mr. Shaw was one of the earliest members of the association and of the management committee, and they might almost look upon him as one of the founders of the institution. He remembered well in his early days, when he first joined the committee of management, how constant Mr. Shaw was in his attendance, and he was quite sure the weight he brought to bear and the influence his name gave them in the north of England, tended much to establish them there, and to put them in the position they now held. The life of Mr. Shaw appeared to him to be the model of what a professional man's life should be. In his early days he set himself with industry and energy to the establishment of a practice, and the acquirement both of influence and of high position in his profession. And as his high position and his practice increased, they gave him additional influence and additional strength, and he devoted himself, as they all knew, to the furtherance of objects connected with the general good of his profession and of society. He might instance the part he took in the management of the Philosophical Society, and the time he gave to the association and the Law Society. He had every reason to be proud of the result. The position he filled in the corporation of this town, the respect in which he was held by his fellow-townsmen, and what they as lawyers might attach more consequence to—the fact that he was one of the earliest country solicitors elected to the council of the Incorporated Law Society, showed how far and wide his character was appreciated. He left a name that would be dear to all who knew him, and a career that should stimulate the ambition of every young member of the profession. The chairman concluded by moving the following resolution:—

“That this meeting desires to express the estimation entertained by this association for the high character and estimable qualities of its late member, Mr. John Hope Shaw, and the deep personal regard of all its members for his private worth; and to express the sympathy of the members of this association with his relatives, his friends, and his fellow-townsmen, and particularly his brother solicitors, for the loss they have sustained by his death.”

Mr. EDDISON (Leeds), in seconding the resolution, said that, following Mr. Shaw in the office of secretary of the society, he confessed he could scarcely speak of him but in terms of affection that few could describe. He never knew Mr. Shaw harbour or encourage, in the slightest degree, any thought that would lower the standard of his profession. Whenever he had had occasion to consult him he used to go to the point at once, considering what was right and honourable, caring nothing for the consequences. He was such a man as was rarely to be found in any profession. He appeared to be selected at once by his fellow-townsmen as almost the leader of the particular institutions to which he attached himself, and he (Mr. Edmondson) never knew the question disputed as to his being the right man to hold such a position. On looking back to the life of Mr. Shaw, which was one of most faithful service to his town and the country at large, his feelings would perhaps be excused. He was a man who never began a work without finishing it; and he was never known to take an office, either public or private, in the performance of which he failed to do his duty. One of the most pleasing recollections of his life—for he was a Christian as well as a public man—was the seeing him walking on Saturday afternoons to visit the tomb of his wife. He had never heard any professional brother speak of him except in terms of esteem and affection. He had left a blank which it would take many years to fill up. He (Mr. Edmondson) knew of no one who, in the varied relations of life, could really discharge all his duties in the way he did.

Mr. W. SHAEN (London) said that the late Mr. Shaw was an honour to his native place, an honour to the country, and he did not hesitate to say, an honour to humanity. He did not recollect any man who appeared to him in all respects so admirable a type of what was recognised as the old English gentleman. He had an eminently judicial mode of treating every question. He was calm, dispassionate, and extremely

fair, and even his blows he delivered in the manner of a judge summing up. Of the many benefits they had all received from being connected with the Metropolitan and Provincial Law Association, not the least was the sixteen years of cordial and confidential communication they had had with Mr. John Hope Shaw.

Mr. SNOWDON (Leeds) related some early personal recollections of the deceased gentleman. He would only say that he endorsed everything that had been said by his friend Mr. Eddison as to their departed friend's high character. Whether he considered him as a gentleman or an able practitioner, and what he did not value less, a man of the highest personal honour, he believed it was impossible for them to suggest his successor as a member of the council of the Incorporated Law Society, his admission to which position they valued as a great honour.

The resolution was unanimously agreed to.

#### THE PROCEEDINGS OF THE COMMITTEE.

The CHAIRMAN'S address was principally occupied by a review of the proceedings of the committee since the annual meeting in April last. He expressed his satisfaction at the marked progress that the association had of late years made in its Parliamentary weight and influence. Its suggestions now generally received attention, and were frequently noted on; they had ready access to some of the most active members of both Houses of Parliament; suggestions from the committee were now often sought before bills were brought in; and, for the last few years, all the most important measures of law reform had contained some provisions of practical utility suggested by the association. The president went on to notice the part taken by the committee in regard to various bills recently before Parliament. He referred to the slur cast upon the profession by the Lord Chancellor, who, in attempting to account for the ill success of the Land Transfer Act, compared the family solicitor to the "Old man of the sea." The address went on to allude to other matters which were before the committee and concluded by an appeal for additional support.

A somewhat desultory conversation followed. Reference was made to the small attendance at the present meeting; the explanation was given that Tuesday was an inconvenient day for the attendance of Leeds solicitors, and that many of them were attending at the Registration Court. The condition of the London courts was characterised as disgraceful, and was contrasted with that of the courts in Manchester, Liverpool, and Leeds. The rest of the discussion related to the registration of titles and deeds, as regards expense. In its course, reference was made more than once to the remarks of the Lord Chancellor referred to in the chairman's address.

Mr. J. A. ROSE, London, said he remembered a man named Richard Bethell at the bar, of whom he might say woe be to those who did not give him a larger fee than they gave to any other man. He saw no reason why a man like the Lord Chancellor, of consummate genius but certainly of no legislative ability, should charge the profession, as he had done, with opposing registration, which it was undoubtedly not their interest to do.

#### THE MEETING OF NEXT YEAR.

An invitation given to the association by the Liverpool Law Association to select that town as their place of meeting next year, was brought before the meeting by Mr. Clare, and, on the motion of Mr. Shaen, cordially accepted.

#### PROPOSED EQUITABLE JURISDICTION IN COUNTY COURTS.

Mr. AVISON, Liverpool, read a paper on "The Equitable Jurisdiction proposed to be conferred on County Courts." The judges in county courts he held were not competent to decide questions in equity, and the question they had to consider was—Were there no other courts, the judges of which were competent? He would suggest, in answer, that the services of some of the Commissioners in Bankruptcy ought to be made available. These gentlemen were learned in the law, and were fully able to decide minor points in equity. Another class whose services he thought would be valuable were the district registrars of the Court of Probate. He thought that great good would result from the appointment of some court to decide these minor questions in equity, more especially to poor men; and he did not think that the question of cost ought to interfere with their establishment.

The CHAIRMAN thought that limited equity given to county courts would be most useful. At present one of the principal difficulties that lay in the way of the full development of their usefulness was, that there was not sufficient business for them. He argued for the appointment of registrars for such cases—

men of ability, out of practice, and perfectly accessible on all minor points of equity.

Mr. PEARCE, registrar of the County Court of York, could not help thinking that the judges of the county courts would be perfectly able to dispose of those small matters which it was proposed should go before them.

Mr. RAWLINS, of Birmingham, thought there was no doubt there should be some means by which the poor man could obtain that justice which a richer man could, and at an expense within his own means and control.

Mr. BREARY opposed the idea of giving the jurisdiction to county courts.

Mr. WILLIAMS thought that the law sought should not be poor men's law, but the law of equity as applied to locality. The question was not one of amount, but of principle.

Mr. G. W. HODGE (Newcastle) said the machinery of the county court was wholly unfitted to discharge the duties which would devolve upon the officials of a court of equity. In the great majority of the county courts the amount of work done by the judges was precisely a reason why it was impossible that they should also take up questions of equity. The time of the Commissioners in Bankruptcy was, on the other hand, not much taken up, and he thought the official assignees of these courts also fully capable of undertaking the duties under consideration. In all points of view, the proper tribunals for the settlement of questions in equity were the Bankruptcy Courts.

Mr. T. HODGSON (York) spoke in high terms of the great efficiency of the county courts, and of the immense amount of work performed by them since their institution. In the settlement of small matters of equity it was necessary to have a speedy decision, and that poor persons should not be debarred having wrong rectified by the expense which it costs. The county court judge was the proper person to decide upon these matters. This had been the opinion of the Yorkshire Law Society, several times expressed.

Mr. SHAEN was opposed to the appointment of official assignees as equity judges, and to the notion that gentlemen of the legal profession were not able to deal with money matters. He thought that every consideration pointed to the county courts. The question of time was no doubt an important one; but the question was not what amount of work the county court judges got through on any particular day, but how many days per week they sat, and how many hours per day. It would be impossible, perhaps, to dispose of the hundreds of thousands of minute questions of right which now arise in society with the same staff which in former times was sufficient; but in that case all they had to do was to increase the number of functionaries. He thought that if the work was to be done, the machinery would undoubtedly be provided.

Mr. PAYNE (Liverpool) argued for the Court of Bankruptcy, and especially for the fitness of official assignees.

Mr. ROSE was not sure that the county courts had been of so much benefit to poor men, or any other men, as had been assumed. He thought that the defendant in the county courts was always the poor man and the plaintiff the rich man. Nothing could be more fallacious than to be led away by philanthropy to consider what was really an injury to the poor man. The question for them was, what was the best thing for the theory and practice of the law? He quoted a number of examples of absurd cases brought before the county court, which he urged should have been settled out of court. In many cases of equity, however, there was an absolute denial of justice for the settlement of certain claims in certain districts. The fees in the superior courts were so large that he thought that there was a necessity for a local tribunal, and the county court, he was sure, would best fulfil the functions of such a tribunal.

After some further discussion the subject dropped.

#### THE LAW OF JUDGMENTS.

Mr. T. MARSHALL (Leeds) read a paper on the recent Act to amend the law of judgments. He commenced by a slight historical sketch of the law of judgments as a charge on land, pointing out that it originated at a time when land was not otherwise alienable or chargeable with debts, and that it was then necessary for the extension of commercial credit. Of the various uses of judgments as a charge on land, only one, he contended, since the passing of the Property Amendment Act of 1860, now remained, and that one was this, that they enabled an eager creditor with a prior registered judgment to get a preference over everyone else. Mr. Marshall next examined the phraseology of the Act, and having pointed out some grave questions likely to arise



from it, concluded by remarking that neither as to its principle nor its working out in practice is it deserving of commendation, and that the best amendment of the law of judgment would be to amend it away altogether.

The other papers were—"On judgments as liens on land, and the recent Act relating thereto," by Professor Johnson, of Birmingham; "Professional remuneration," by Mr. Clare, Liverpool; and "Solicitors' costs in Chancery," by Mr. Francis, London.

#### THE ANNUAL DINNER.

The annual dinner of the association was held in the evening, in the Queen's Hotel, and was attended by about sixty gentlemen. The chair was occupied by Mr. Eddison, of Leeds. A splendid dinner was served, under the direction of Mr. Gopton; and the cloth having been removed, the chairman proposed the usual loyal toasts, which were received with the greatest enthusiasm. "The army, navy, and Volunteers," responded to by Major Rose, of the London Volunteers, and Mr. Anderton, of London, a gentleman who served as a Volunteer at Peterborough in 1803. "The bench and the bar," responded to by Alderman Seymour, of York; and "Success to the Metropolitan and Provincial Law Association." Mr. Burton, the president of the society, responded to this toast, stating that he had now had the honour of presiding over two highly successful meetings of the association. A solidity had now been imported into the association which would enable it to go on prosperously for many, many years. Alderman Rawlings, of Birmingham, proposed "The Leeds Law Society and the Local Profession," and paid a high compliment to the talents and ability of the members of the legal profession in Leeds. Amongst the other toasts were, "The Incorporated Law Society," proposed by Mr. Dibb, Leeds, and responded to by Mr. Anderton; "The Deputations from Provincial Societies," proposed by Mr. Bulmer, Leeds, and responded to by Mr. Avison, of Liverpool; "The President and Council of the Leeds Philosophical Institution," proposed by Mr. Williams, of York; and "The Chairman," proposed by Mr. Hodgson, of York.

Oct. 5.—The proceedings were resumed this morning.

#### PROFESSIONAL REMUNERATION.

The SECRETARY read a paper by Mr. Bromley, on "Professional Remuneration and the Lord Chancellor's Bill." The bill, the author stated, it behoved every attorney to consider attentively. He entered at length into the law of the subject, cited numerous statutes and decisions in reference to it, and glanced at various attempts to remedy the existing defects. He himself felt disposed to limit the provision of the new law to conveyancing business. He was not prepared to see the business connected with litigation made the subject of special agreement between the solicitor and his client. There would be many difficulties and disadvantages in regard to any contract for the defence or prosecution of an action or suit. He was, at the same time, strongly of opinion that the taxing masters ought to have a far larger discretion than they now have in litigious business; so that, in ascertaining the remuneration of the solicitor, regard should be had to the skill, labour, and responsibility involved in conducting litigation, and to what his services fairly deserved.

In the discussion which followed,

Mr. TOWN (London) said the great desideratum was that they should have an *ad valorem* or commission principle introduced, and that a client should have some certainty of what he had to pay for his case. The Lord Chancellor was himself favourable to such a principle, but he did not see his way to devise a bill on the subject. His proposal that each attorney should have a scale of charges was subject to the objection that there would be utter uncertainty as to charges throughout the profession. He suggested that every solicitor should take the matter into consideration, and forward his plan to the committee.

Mr. RAWLINS (Birmingham) thought that attorneys should be able to make their own terms with their clients. That they should not seem to him an intolerable nuisance. Their status in society was such that they should at least have such a fair remuneration as to enable them to support that position which they were educated to fill. Some plan on the *ad valorem* principle would be adopted, but their object should be to see that their remuneration was fair.

Mr. SHAEN (London) moved:—"That the solicitors attending this meeting be requested to obtain suggestions from the profession in their respective localities as to the possibility of improving the present method of professional remuneration, and to communicate the result to the committee of management,

and that the committee of management be requested to direct particular attention to the subject, and to endeavour to give effect to the views of the profession so elicited."

Mr. ANDERTON (London) thought they should take the bull by the horns by keeping the work in their own hands which they gave to accountants, who ran away with their earnings. He could not see why they should not have good accounting clerks in their own offices.

Mr. ROSE (London) said he did not agree that the attorney, who had boundless power over his client, should be able to make terms with him. The dicta of the judge in the cases which had been cited was a proper and just statement of the policy of the law—viz., to interfere and protect the client from the boundless power of the attorney. He did not see that an *ad valorem* principle would be for the benefit of the community, because by it, though the business of the rich would be well done because they could pay well for it, that of the poor would be badly done because the attorney would be badly paid for it. They should not forget the character of many in their profession. He believed there were as honourable men in it as in any profession in the world, but he ascribed that in a great measure to the certain mode in which they were paid, and to the fact that these men could not make a hard bargain with their clients. But the best lawyer would make the worst bargain for himself and the worst bargain for the client would be made by the worst attorneys. He was totally opposed to any change, either for bargains between attorney and client or for *ad valorem* charges.

Mr. BREAREY (York) only wished that the so-called friends of the profession would leave attorneys alone.

Mr. CLARK (Liverpool) defended the *ad valorem* system, thinking that the proper principle was the considering of the amount involved, and the responsibility on the attorney, and the services he renders. He would be prepared to submit charges to juries.

Mr. OWSTON (Leicester) objected to the interference of the Lord Chancellor, whose object, he said, was to throw dust in the eyes of the public with regard to attorneys' charges.

Mr. WILLIAMS (London), in reference to the remark of Mr. Anderton, said that the accountants themselves "touted" for clients of the attorneys.

Mr. PAYNE (Liverpool) seconded the resolution.

The CHAIRMAN objected to contracts. He did not think that in theory there would be any difficulty in establishing an *ad valorem* principle in loans, mortgages, and conveyances; but in practice, he thought that in a large transaction the client would wish to make a bargain. He held that a great amount of the time of a solicitor was taken up by matters for which he could not charge by commission.

The resolution was carried.

#### THE MEETING AT LEEDS.

The CHAIRMAN moved a vote of thanks to the solicitors of Leeds, for the hospitality with which the association had been received by them. He had heard much of the traditional hospitality of the north, but he had not been prepared for the ovation they had met with. The present meeting had been a very successful one, and in saying so he hoped he conveyed the feeling of the association at large. He was quite certain that a meeting of gentlemen, all holding, he might say, an eminent position in their profession, was of much more consequence than one distinguished by being merely numerically large. He thought that the good fellowship that he was certain had been promoted would act as a cement which would fasten together the stones of the Metropolitan and Provincial Law Association.

Mr. MARRIOTT (Manchester) seconded the resolution, which was carried with acclamation.

Mr. EDDISON (Leeds), in returning thanks, said that if they had been able to promote the comfort, the information, or the extension of the principles of the association, they had been abundantly recompensed.

#### COMMISSIONERS' FEES IN AFFIDAVITS.

Mr. PAYNE asked his London brethren what was the regular fee paid to commissioners for administering oaths in affidavits in courts of common law?

The CHAIRMAN said the fee in London was 1s. 6d., and the statement was confirmed by Mr. Williams (London), who said, however, that that sum applied only to that city.

Mr. BREAREY said that in the country the fee was 1s., and for oaths in chancery 2s. 6d.

#### ASSESSMENT OF THE PROBATE DUTY.

Mr. PAYNE drew attention to the conduct of Mr. Trevor

the solicitor to the Stamp Office, and complained of his mode of assessing the probate duty for Government. When a person died, possessed of leasehold property, probate duty has to be paid upon it. This complaint had reference to cases where there was a mortgage upon such property, and was to the effect that Mr. Trevor endeavours to get duty paid upon the whole value of the estate, instead of upon that portion of the estate only which remains after deducting the mortgage. Mr. Payne mentioned a case in which he had been concerned, and in which a leasehold property, valued at £920, was mortgaged to the extent of £700. He communicated on the subject with Mr. Trevor, whose answer was that the probate must be paid upon the whole amount, and not upon the £220 which remained to the administratrix after deducting the mortgage. Mr. Payne had, however, continued the correspondence, and had been successful in carrying his point against Mr. Trevor.

Mr. TORR said he had been informed by Mr. Tinsley, the assistant-solicitor of stamps, that it was only necessary to prove for the value of the equity of redemption. Mr. Tinsley had, however, been unable to convince Mr. Trevor of the correctness of that view. He (Mr. Torr) had himself sworn merely to the balance, after deducting the mortgage, and Mr. Trevor had passed the statement.

Mr. EDDISON said that £240,000 was the estimated sum that Government put into its pocket by forcing people to make these affidavits. He characterised the system as one atrocious fraud.

Some further discussion took place, in the course of which

Mr. SHAEV said that the best course they could adopt was to allow Mr. Trevor to do as he liked, as no solicitor would find insuperable difficulty in preparing affidavits in which equities of redemption of leaseholds only were valued, and Mr. Trevor could not but allow the paper to pass.

The subject then dropped.

#### CONCLUDING BUSINESS.

Votes of thanks were given to Mr. Eddison and the other members of the local committee; to the president and members of the Leeds Philosophical Society, for the use of their hall; to the authors of papers; to the manufacturers who had given the association invitations to visit their works; to the press; and to the chairman.

Mr. ANDERTON, in proposing thanks to the press, alluded to the late Mr. J. H. Shaw, and said he thought one of the niches in the hall might very well be appropriated to a statue of their deceased friend. He was sure that if such a movement were begun in Leeds, professional men at a distance would be ready and willing and desirous to aid.

The proceedings then terminated.

[We propose from time to time, as our space permits, to give a full report of the more important of the papers read at the meeting.]

### LAW STUDENTS' JOURNAL.

#### EXAMINATIONS AT THE INCORPORATED LAW INSTITUTION.

##### INTERMEDIATE EXAMINATION.

The examiners appointed for the intermediate examination of persons under articles of clerkship to attorneys, have appointed Thursday, the 10th November next, at half-past nine in the forenoon, at the Hall of the Incorporated Law Society, Chancery-lane, for the purpose. The examination will commence at ten o'clock precisely, and close at four o'clock.

Articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, must be left with the secretary on or before Tuesday, the 26th October.

In cases where articles and testimonials of service have been deposited at the Institution, they should be re-entered, the fee paid, and the answers completed to the time appointed for the examination.

On the day of the examination, papers will be delivered to each candidate, containing questions to be answered in writing, selected from the works specified by the examiners; and a paper of questions on book-keeping.

Candidates under the 4th section of the Attorneys' Act, 1860, may, on application, obtain copies of the further questions relating to the ten years' service, antecedent to the articles of clerkship.

##### FINAL EXAMINATION.

The examiners appointed for the examination of persons applying to be admitted attorneys, have appointed Tuesday,

the 8th, and Wednesday, the 9th November next, at half-past nine in the forenoon of each day, at the Hall of the Incorporated Law Society, Chancery-lane. The examination will commence at ten o'clock precisely, and close at four o'clock.

Articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, and the certificate of the candidate's having passed the intermediate examination, must be left with the secretary on or before Tuesday, the 1st November.

Candidates under the 4th section of the Attorneys' Act, 1860, may, on application, obtain copies of the further questions relating to the ten years' service antecedent to the articles of clerkship.

Where the articles have not expired, but will expire during the term, or in the vacation following such term, the candidate may be examined conditionally; but the articles must be left on or before the 1st November, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them as to the time served with each respectively.

On the first day of examination, papers will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary. 2. Common and Statute Law, and Practice of the Courts. 3. Conveyancing.

On the second day, further papers will be delivered to each candidate, containing questions to be answered in—4. Preliminary. 5. Equity, and Practice of the Courts. 6. Bankruptcy, and Practice of the Courts. 7. Criminal Law, and Proceedings before Justices of the Peace.

Each candidate is required to answer all the preliminary questions (Nos. 1 and 4); and also to answer in three of the other heads of inquiry—viz., Common Law, Conveyancing, and Equity. The examiners will continue the practice of proposing questions in Bankruptcy and in Criminal Law and Proceedings before Justices of the Peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

In cases where articles and testimonials have been deposited at the Institution, they should be re-entered, the fee paid, and the answers completed to the time appointed for the examination.

### COURT PAPERS.

#### Queen's Bench.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir ALEXANDER EDMUND COCKBURN, Bart., Lord Chief Justice of Her Majesty's Court of Queen's Bench, in and after Michaelmas Term, 1864.

##### IN TERM.

Middlesex.	London.
1st sitting, Thursday, Nov. 3	There will not be any sitting
2nd " Wednesday " 9	during Term in London.
3rd " Wednesday " 16	
For undefended causes only.	

##### AFTER TERM.

Middlesex.	London.
Saturday ..... Nov. 26	Saturday ..... Dec. 10
The Court will sit at ten o'clock every day.	
The causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.	

#### Common Pleas.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir WILLIAM ELLER, Knight, Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster, in and after Michaelmas Term, 1864.

##### IN TERM.

Middlesex.	London.
Thursday ..... Nov. 3	Monday ..... Nov. 7
Wednesday ..... " 9	Monday ..... " 14

##### AFTER TERM.

Middlesex.	London.
Saturday ..... Nov. 26	Thursday ..... Dec. 8
The Court will sit during and after Term at ten o'clock.	
The causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.	

**Exchequer of Pleas.**

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir FREDERICK POLLOCK, Knight, Lord Chief Baron of her Majesty's Court of Exchequer, in and after Michaelmas Term, 1864.

**IN TERM.**

Middlesex.		London.	
1st sitting, Thursday, Nov. 3		1st sitting, Monday, Nov. 7	
2nd " Wednesday, " 9		2nd " Monday, " 14	
3rd " Wednesday, " 16			

**AFTER TERM.**

Middlesex.		London.	
Saturday.....Nov. 26		Thursday.....Dec. 8	

The Court will sit in and after Term at ten o'clock.

The Court will sit in Middlesex at Nisi Prius in Term by adjournment from day to day until the causes entered for the respective Middlesex sittings are disposed of.

**THE CONTINUANCE OF PARLIAMENT.**—The present Parliament was "begun and holden on the 21st of May, 1859," and will not legally expire until the close of next year. The last was the "sixth" session, and as Parliament is septennial, "seven" can be holden. According to the usual practice, the dissolution will take place next spring, and the new Parliament assemble in November following for a short time, and then adjourn to February or March for the transaction of general business.—*Express.*

**BIRTHS, MARRIAGES, AND DEATHS.****BIRTHS.**

**DISRAELI**—On Oct. 4, at Onslow-square, the wife of Ralph Disraeli, Esq., Registrar to the Court of Chancery, of a daughter.  
**LORD**—On Oct. 2, at Albion-road, Finchley-road, the wife of Henry William Lord, Esq., Barrister-at-Law, of a daughter.

**MARRIAGES.**

**FOX-JEE**—On Sept. 28, at Broadwater Church, Worthing, Robert Paterson Fox, Esq., Lieut. and Adj. 24th Regt. second son of the late Matthew Fox, Esq., Barrister-at-Law, Dublin, to Marion, eldest daughter of the late Alfred Jee, Esq., Civil Engineer, of Oxford-square, London, and Healding-house, Worthing.

**SMYTH-WHITTON**—On Sept. 28, at St. George's Church, Dublin, William Smyth, Esq., Solicitor, Lower Sherrard-street, to Mary Alicia, only surviving child of William Whitton, Esq., Solicitor, Middle Gardiner-street.

**TURNER-SPRAGGE**—On Sept. 7, at the Church of St. John the Evangelist, Toronto, Canada West, Lieutenant Henry Fyers Turner, Royal Engineers, son of Colonel Henry A. Turner, Royal Artillery, to Harriet Eliza, eldest daughter of Vice-Chancellor the Hon. John Godfrey Spragge, Toronto.

**WILLETT-DORLING**—On Oct. 1, at St. Gabriel's Church, Warwick-square, Finsbury, Edmund Willett, M.D., youngest son of the late W. J. Willett, Esq., Solicitor, of Margate, to Mary, second daughter of Henry Dorling, Esq., of Warwick-square and Epsom.

**DEATHS.**

**LEIGH**—On July 31, washed overboard in the China Seas, while on duty, James O. Leigh, aged 26, second son of the late Robert Leigh, of Exeter, Somerset, Solicitor.

**LIARDET**—On Sept. 20, at her residence, Richmond, Phoebe, relict of Frederick Liarde, Esq., of Lincoln's Inn, Barrister-at-Law.

**ROUND**—On Sept. 23, at Wokingham, Berks, Winfield Stephen Round, of Lincoln's Inn, Barrister-at-Law, and late of King's Beech-hill, Berks, aged 79.

**WILLIAMS**—On Oct. 2, at Gwydir-cottage, Wimbledon-common, Henrietta, the wife of Watkin Williams, Barrister-at-Law.

**WINSTON**—On Oct. 3, suddenly, at his chambers, 3, Harcourt-buildings, Inner Temple, Charles Winston, Esq., Barrister-at-Law, aged 50.

**UNCLAIMED STOCK IN THE BANK OF ENGLAND.**

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

**PRING, JAMES**, Taunton, Esq., deceased. £771 14s. 2d. Consolidated £3 per Cent. Annuities—Claimed by James Hurly Pring, the acting executor.

**STURGES, GEORGE**, and **JOHN STURGES**, North Luffenham, Rutland, Farmers, deceased. £32 3s. 11d. Consolidated £3 per Cent. Annuities—Claimed by Rebecca Sturges, Widow, and Wm. Rudkin Morris, the executors of J. Sturges, the survivor.

**WHEELER, THOMAS**, and **JOSEPH BAINE**, Surgeon, Bradford. £464 8s. 10d. Consolidated £3 per Cent. Annuities—Claimed by Thos. Wheeler, the survivor.

**LONDON GAZETTES.****Winding-up of Joint Stock Companies.****UNLIMITED IN CHANCERY.**

FRIDAY, Sept. 30, 1864.

**Leeds Banking Company.**—Petition for winding-up, presented Sept. 24, to be heard before Vice-Chancellor Kindersley, on Oct. 13 at 10.30, at his chambers, Stone-buildings, Lincoln's Inn. Williamson & Co, Gt James-

st, Bedford-row, for Bond & Barwick, Leeds, Solicitors for the petitioner.

**Leeds Banking Company.**—Petition for winding-up, presented Sept. 26, to be heard before Vice-Chancellor Kindersley, on Oct. 13 at 10.30, at No. 7, Hyde-pk-gardens. Freshfields & Newman, Bank-buildings, Solicitors for the petitioners.

**Leeds Banking Company.**—Petition for winding-up, presented Sept. 27, to be heard before Vice-Chancellor Kindersley, on Oct. 13 at 10.30, at No. 7, Hyde-pk-gardens. Lawrance & Co, Old Jewry-chambers, for Snowdon & Son, Leeds, Solicitors for the petitioner.

**Friendly Societies Dissolved.**

TUESDAY, Oct. 4, 1864.

Coronation Lodge of Druids, Antelope-Inn, Stone, Stafford. Sept. 26.

**Creditors under 22 & 23 Vict. cap. 35.**

Last Day of Claim.

FRIDAY, Sept. 30, 1864.

Arthur, John, Bath, Victualler. Nov. 15. Collins, Bath.  
Bailey, Jas, Allen-st, Goswell-st, Wholesale Cheesemonger. Oct. 31.  
Strong, Jewin-st.  
Barrow, Roger, Windermere, Gent. Oct. 31. Taylor, Bowness, Windermere.  
Beavers, Esther, Sheffield, Widow. Nov. 1. Branson & Son, Sheffield.  
Bennett, John, Rowton, Salop. Dec. 1. How, Shrewsbury.  
Brown, Eliza, Lpool, Widow, Licensed Victualler. Nov. 27. Williams, Lpool.  
Campin, John Mussendine, Compton-ter, Islington, M.D., F.R.S. Nov. 1.  
Sawbridge, Wood-st, Cheapside.  
Cohen, Catherine, Lower Phillimore-pl, Kensington. Randall, Gracechurch-st.  
Collier, Stephen, Romford, Essex, Timber Merchant. Nov. 1. Surridge & Francis, Romford.  
Cooper, Mary Ann, nr Newport, Salop, Widow. Nov. 1. Fisher & Hodges, Newport.  
Forester, Thos Forsyth, nr South Shields, Esq. Dec. 31. Bell & Co, Bowchurchyard, Cheapside.  
Lingard, Alex, Stockport, Cotton Spinner. Oct. 31. Jackson, Lincoln's Inn-fields.  
Liptrott, Amelia Ann, Findon, Sussex, Spinster. Oct. 31. Harclay & Rhodes, Gt Marlborough-st.  
Lloyd, Hy, Marylebone-rd, Esq. Dec. 26. Paine & Layton, Gresham-house, Old Broad-st.  
Roberts, Wm, Goodrich, Hereford, Farmer. Nov. 10. Davis, Ross, Herefordshire.  
Swift, Richd, Wigan, Innkeeper. Oct. 15. Ashton, Wigan.  
Swift, Wm, Lpool, Cart Owner. Nov. 27. Williams, Lpool.  
Taunton, Chas, Abbey-rd, St John's-wood, Licensed Victualler. Nov. 24. Tanqueray & Co, New Broad-st.  
Thorburn, Wm, Rood-lane, Wine and Spirit Merchant. Dec. 31. Langford & Marden, Friday-st, Cheapside.  
Woodroffe, Chas, Harrow-rd, Nurseryman. Oct. 31. Hardisty & Rhodes, Gt Marlborough-st.

TUESDAY, Oct. 4, 1864.

Baxter, Emma, St Paul's-rd, Islington, Widow. Dec. 1. Broughton, Finsbury-sq.  
Bowles, John, Frittenden, Kent, Farmer. Dec. 1. Nere & Co, Cranbrook, Kent.  
Butler, Richd Fowler, Barton-under-Needwood, Stafford, Esq. Nov. 15. Richardson & Small, Burton-on-Trent.  
Coles, Fredk Fenning, Moreton-pl, Finsbury, Clerk. Oct. 31. Sharp, Gresham-house, Old Broad-st.  
Drane, Thos, Turro, Torquay, Esq. Dec. 20. Bakers & Nairne, Crosby-sq, Bishopsgate-st.  
Edge, John Wm, Hulme, Lancaster, Gun Maker. Oct. 29. Tidswell & Galloway, Manch.  
Foster, Wm Hy, Midshipman M. N. in the Queen. Nov. 21. Gale, Parliament-st, Westminster.  
Johnston, Chas, Malls, Merchant. March 1. Hensman & Nicholson, College-hill.  
Parker, Wm, Northwich, Chester, Currier. Oct. 31. Cheshire, Northwich.  
Sowler, Ambrose, Dalston-pl, Hackney, Gent. Nov. 30. Davis, Charles, Hoxton.  
Swift, Richd, Wigan, Innkeeper. Oct. 15. Ashton, Wigan.  
Thompson, Thos, Newcastle-upon-Tyne, Brewer. Jan. 1. Ingledew & Daggett, Newcastle-upon-Tyne.  
Vaughan, Joseph, Cheetham, Manch, Dyer. Dec. 1. Tidswell & Galloway, Manch.  
Walker, Louisa, Canterbury, Widow. Oct. 31. Walker & Son, Smith's-lane.

**Creditors under Estates in Chancery.**

Last Day of Proof.

TUESDAY, Oct. 4, 1864.

Goodwin, John Willis, Leicester, Brewer. Oct. 29. Ivie & Goodwin, M.R.

**Assignments for Benefit of Creditors.**

TUESDAY, Oct. 4, 1864.

Dyson, John, Delph, York, Comm Agent. Sept. 28. Lawson, Delph.  
Griffiths, Arabella, Manchester-ter, Kilburn, Draper, Widow. Sept. 26. Sole & Co, Aldermanbury.

**Deeds registered pursuant to Bankruptcy Act, 1861.**

FRIDAY, Sept. 30, 1864.

Abbott, Wm, Wollaston, Northampton, Shoe Manufacturer. Aug. 1. Comp. Reg Sept 28.  
Ashton, Thos, Bath, Accountant. Aug. 31. Asst. Reg Sept 27.  
Bannister, John, Chorley, Lancaster, Grocer. Sept. 5. Conv. Reg Sept 27.  
Blumenthal, Sundel, Dirm, General Merchant. Sept. 26. Asst. Reg Sept 29.  
Bowles, Chas, Fordington, Dorchester, Boot Maker. Sept. 3. Conv. Reg Sept 29.



Bray, Wm, & Wm Thos Geo Bray, Abinger-rd, Deptford, Civil Engineers. Sept 13. Comp. Reg Sept 29.  
 Calder, John, Hartlepool, Tailor. Sept 3. Conv. Reg Sept 28.  
 Currie, Jas, Hargham, Norwich, Publican. Sept 14. Conv. Reg Sept 26.  
 Dalzell, John, Carlsbrooke, Isle of Wight, Baker. Sept 15. Conv. Reg Sept 28.  
 Davy, Thos Stocking, Wood-st, London, Warehouseman. Sept 18. Reg Sept 30.  
 Dorrcott, John, Wolverhampton, Grocer. Sept 16. Asst. Reg Sept 28.  
 Elenberg, Hy, Bevis Marks, St Mary Axe, Dealer in Jewellery. Sept 21. Comp. Reg Sept 29.  
 Flak, Geo Edwd, Brighton, Grocer. Sept 8. Asst. Reg Sept 27.  
 Gompertz, Moses Barend, Leman-st, Whitechapel, Diamond Merchant. Sept 20. Comp. Reg Sept 30.  
 Grist, Geo, Tunbridge Wells, Cab Proprietor. Sept 17. Conv. Reg Sept 30.  
 Hart, Hy, Ramsgate, Coal Merchant. Sept 8. Comp. Reg Sept 27.  
 Hurst, Mary, Nottingham, Coal Merchant. Sept 3. Asst. Reg Sept 28.  
 Ibbotson, Thos, Westminster-bridge-rd, Lambeth, Hatter. Sept 2. Comp. Reg Sept 28.  
 Knight, Jas, Bucklersbury, London, Bill Broker. Aug 19. Comp. Reg Sept 28.  
 Kopers, Alphons, West-st, Golden-sq, Tailor. Sept 23. Comp. Reg Sept 29.  
 Lalor, Robt David, Mecklenburgh-st, Mecklenburgh-sq, Doctor of Medicine. Sept 26. Comp. Reg Sept 30.  
 Langton, Thos, & John Langton, Old Broad-st, Timber Merchants. Sept 19. Asst. Reg Sept 28.  
 Levy, Joseph, Bloomsbury-sq, Jeweller. Aug 31. Arr. Reg Sept 28.  
 Ommond, Arthur Horace, Bath, Stationer. Sept 8. Comp. Reg Sept 28.  
 Owens, Jane, Amilwich, Anglesey, Draper. Sept 24. Comp. Reg Sept 28.  
 Pimlott, Peter, Levensham, Lancaster, Smith. Sept 3. Conv. Reg Sept 29.  
 Pouten, Joseph Blucher, Denmark-hill, Camberwell, out of business. Sept 24. Comp. Reg Sept 29.  
 Simpson, Alf, Brighton, Tailor. Sept 2. Asst. Reg Sept 28.  
 Strother, Robt, Newcastle-upon-Tyne, Grocer. Sept 14. Conv. Reg Sept 29.  
 Vercoe, John, Bodmin, Mine Agent. Sept 21. Conv. Reg Sept 30.  
 Williams, David, Llanelly, Carmarthen, Grocer. Sept 23. Conv. Reg Sept 29.  
 Wran, Thos, Charlwood-st, Pimlico, Plumber. Sept 26. Comp. Reg Sept 30.  
 TUESDAY, Oct. 4, 1864.  
 Banfield, Harold, Church-st, Stoke Newington, Chemist. Sept 12. Asst. Reg Oct 4.  
 Bredin, Jas, and Richd Bredin, Lpool, Corn Merchants. Sept 28. Asst. Reg Oct 1.  
 Cohen, Woolf, Providence-pl, Whitechapel, Fruiterer. Sept 7. Comp. Reg Sept 30.  
 Collier, Wm, John, Sheffield, Chemical Manufacturer. Sept 14. Conv. Reg Oct 3.  
 Davis, Lewis Juhn, Lpool, Woollen Draper. Sept 22. Comp. Reg Oct 1.  
 Dean, Fredk Saml, Abingdon, Ironfounder. Sept 28. Comp. Reg Oct 4.  
 Deman, Emmanuelle Fidele Edwd Fredk, Stanhope-st, Regent's-pk, Linen Agent. Sept 3. Conv. Reg Oct 1.  
 Edwards, Wm Jas, Mark-lane, Wine Merchant. Sept 30. Asst. Reg Oct 2.  
 Fothergill, John, Selby, York, Apothecary. Sept 14. Conv. Reg Oct 4.  
 Garland, Alfred, Lpool, Jeweller. Sept 1. Comp. Reg Sept 29.  
 Garrison, Saml, Cheltenham, China Dealer. Sept 23. Comp. Reg Oct 1.  
 Gillham, Thos, St Suffolk-st, Borough, Hat Manufacturer. Sept 9. Comp. Reg Oct 1.  
 Grigg, Wm, nr Fembroke, Millwright. Sept 3. Comp. Reg Sept 30.  
 Hartmann, Jacob Ferdinand, & Alex Newman, Lpool, Merchants. Aug 30. Arr. Reg Oct 3.  
 Kempton, Geo, Blackfriars-rd, Oldman. Sept 22. Comp. Reg Oct 3.  
 Mackett, Frank, Sandown, Isle of Wight, Painter. Sept 12. Conv. Reg Oct 3.  
 Malden, Isaac, Millman-st, Bedford-row, Accountant. Aug 10. Comp. Reg Oct 3.  
 Middleton, Alfred, Manch, out of business. Sept 29. Comp. Reg Oct 3.  
 Owen, Benj, Milford-next-Gravesend, Kent, Brewer. Sept 23. Comp. Reg Oct 3.  
 Phillips, John, Walsall, Stafford, Galvanizer. Sept 7. Asst. Reg Oct 3.  
 Pwell, Wm Rufus, Cornhill, Shipowner. Sept 8. Inspectorship. Reg Oct 3.  
 Reynolds, Jas Wm, Dartford, Kent, Dairyman. Aug 29. Conv. Reg Sept 30.  
 Roper, Richd, Cosely, Stafford, Publican. Sept 21. Asst. Reg Oct 3.  
 Rydill, Geo, Dewsbury, York, Auctioneer. Sept 21. Comp. Reg Oct 3.  
 Shaw, Edwd, Southport, Lancaster, Draper. Sept 7. Conv. Reg Oct 1.  
 Smart, Saml, Southgate, Middlesex, Baker. Sept 6. Conv. Reg Oct 2.  
 Smith, Fredk, Bradford, Bootmaker. Sept 9. Asst. Reg Oct 4.  
 Suckwell, John, Devizes, Plumber. Sept 3. Asst. Reg Sept 30.  
 Verd, Jas, Dewsbury, York, Hatter. Sept 6. Asst. Reg Oct 3.  
 Wagstaff, Joseph, Oxford, Currier. Sept 3. Comp. Reg Sept 30.

### Bankruptcy.

Friday, Sept 30, 1864.

To Surrender in London.

Andrews, Christopher Hardcastle, Crosby-hall-chambers, Bishopsgate, Stockbroker. Adj Sept 22. Oct 15 at 11. Aldridge.  
 Belcher, Thos, Spencer-st, Islington, Journeyman Shoemaker. Pet Sept 28. Oct 14 at 12. Layton, Jun, Church-row, Islington.  
 Boldero, Geo, Cockfield, nr Sudbury, Farmer. Pet Sept 27. Oct 14 at 11. Nichols & Clark, Cook's ct, Lincoln's Inn.  
 Brown, Francis, Money Scrivener, Prisoner for Debt, London. Adj Sept 22. Oct 15 at 1. Aldridge.  
 Byatt, Benj, Blackfriars-rd, Cheesemonger. Pet Sept 27. Oct 14 at 11. Denton, Gray's Inn-sq.  
 Castle, Geo Wm, Hand-and-Flower-yard, Hammer-smith-rd, Coach Builder. Pet Sept 27. Oct 14 at 11. Ashurst & Co, Old Jewry.  
 Cox, Jeremiah, Builder, Prisoner for Debt, London. Adj Sept 22. Oct 15 at 1. Aldridge.

Crawford, Jas, High-st, Newington-batts, Ironmonger. Pet Sept 22. Oct 13 at 12. Moon, Lincoln's Inn-fields.  
 Davey, Joseph, a Prisoner Debtors' Prison, Lambeth. Adj Sept 22. Oct 15 at 1. Aldridge.  
 Eicke, Hy, Millbrook-hill, Brighton, Comm Agent. Pet Sept 24. Oct 15 at 1. Parkes, Beaufort-bldg, Strand.  
 Dryden, Elstob, Prisoner for Debt, London. Adj Sept 22. Oct 15 at 1. Aldridge.  
 Fuller, Geo, Walworth-rd, Licensed Victualler. Adj Sept 21. Oct 14 at 11. Aldridge.  
 Golder, Wm Rolfe, Prisoner for Debt, Maidstone. Adj Sept 22. Oct 15 at 1. Aldridge.  
 Gray, Thos, Prisoner for Debt, London. Adj Sept 22. Oct 15 at 1. Aldridge.  
 Heatley, Thos, Carpenter, Prisoner for Debt, London. Adj Sept 22. Oct 15 at 1. Aldridge.  
 Jackson, Jas, Holborn-hill, Provision Dealer. Pet Sept 24. Oct 14 at 1. Hope, Ely-pl.  
 Joslin, Geo, White Hart-st, Kennington-rd, Baker. Pet Sept 26. Oct 13 at 1. Stapcoole, Pinners'-hall, Old Broad-st.  
 Levy, Isaac, St George's-st East, Outfitter. Pet Sept 27. Oct 13 at 1. Abbott, St Mark-st, St Pancras-rd.  
 Lockett, Jane, Hackney-rd, Butcher, Widow. Pet Sept 23. Oct 14 at 11. Peck & Downing, Basinghall-st.  
 Ransom, Geo, Crown-pl, Mile-end-rd, Carpenter. Pet Sept 27. Oct 13 at 1. Hobbs & Seal, Cornhill.  
 Vant, Christopher, Mile-end-rd, Tailor. Pet Sept 26. Oct 13 at 11. Reed, Guildhall-chambers.

### To Surrender in the Country.

Beckett, John, Fensgate, York, Cabinet Maker. Pet Sept 26. York, Oct 12 at 11. Young, York.  
 Benney, John, St Colum, Cornwall, Carpenter. Pet Sept 26. St Colum, Oct 15 at 10. Whitefield, St Colum.  
 Brereton, Daniel Grant, Cheetham, Manch, Captain 8th Lancashire Militia. Pet Sept 28. Balford, Oct 15 at 9.30. Boote, Manch.  
 Cox, Hy John, Birm, out of business. Pet Sept 27. Birm, Oct 21 at 12. Beaton, Birm.  
 Crowther, Joseph, & John Wilson, Jun, Fawcett, York, Silk Spinners. Pet Sept 22. Leeds, Oct 10 at 11. Bond & Barwick, Leeds.  
 Daines, Hy, Mildenhall, Suffolk, Tailor. Pet Sept 27. Mildenhall, Oct 14 at 3. Nunn, Jun, Ipsworth.  
 Douglas, Chas, Coventry, Pawnbroker. Pet Sept 23. Birm, Oct 14 at 11. Powell & Son, Birm.  
 Edney, Jas, Yarmouth, Hardware and General Dealer. Pet Sept 25. Newport, Oct 12 at 11. Beckingale, Newport.  
 Everington, Joseph, Cowlishaw, nr Oldham, Painter. Pet Sept 28. Manch, Oct 11 at 12. Standing, Rochdale.  
 Ferraby, Reuben, South Kelsey, Lincoln, Coal Dealer. Pet Sept 24. Calver, Oct 14 at 11.30. Brown & Son, Lincoln.  
 Fulgde, Edwln, Farham, Hants, Drawing Master. Adj Sept 31. Portsmouth, Oct 11 at 11. Paffard, Portsea.  
 Garlick, Geo Pope, Astwood Bank, Worcester, Chemist. Pet Sept 27. Redditch, Oct 11 at 11. Powell, Birm.  
 Hall, Jonathan, Clayton Heights, Bradford, Farmer. Pet Sept 24. Bradford, Oct 18 at 11. Terry & Watson, Bradford.  
 Hardy, John Taylor, Newark-upon-Trent, Painter. Pet Sept 24. Newark, Oct 5 at 12. Ashley, Newark-upon-Trent.  
 Heap, Michael, Stacton, Lancashire, Joiner. Pet Sept 26. Manch, Oct 12 at 12. Smith & Boyer, Manch.  
 Howard, Mary Ann, Manch, Provision Dealer. Adj Sept 12. Manch, Oct 12 at 9.30. Gardner, Manch.  
 Jelley, Jas, Lpool, Builder's Foreman. Pet Sept 23. Lpool, Oct 19 at 8. Thornley, Lpool.  
 Jones, John, Borth, nr Portmadoc, Ship Carpenter. Pet Sept 23. Machyleth, Oct 13 at 12. Williams, Delgely.  
 Kilby, Geo Thos, Birm, Portfolio and Belt Manufacturer. Pet Sept 22. Birm, Oct 17 at 12. Barber, Birm.  
 Kirshand, Wm, Eaking, Nottingham, Baker. Pet Sept 28. Newark, Oct 12 at 10. Ashley, Newark-upon-Trent.  
 Lane, Robt, Farmington, Gloucester, Farm Bailiff. Pet Sept 21. North-leach, Oct 14 at 11. Cooke, Cirencester.  
 Latham, Robt, Wedmore, Somerset, Corn Dealer and Baker. Pet Sept 15. Bristol, Oct 14 at 11. Brittan & Son, Bristol.  
 Latham, Thos, Chester, Brush Maker. Pet Sept 23. Chester, Oct 9 at 8. London, Chester.  
 Lee, Thos Benj, Torquay, Ironmonger. Pet Sept 27. Newton Abbott, Oct 11 at 12. Carter, Torquay.  
 Leigh, Wm, Strangeways, Manch, Coachman. Adj Sept 13. Manch, Oct 12 at 9.30. Rawlinson, Manch.  
 Lennigan, Feizer, Rotherham, York, Provision Dealer. Pet Sept 16. Leeds, Oct 14 at 11. Simpson, Leeds.  
 Marsden, John Woodhead, Leeds, Transminder. Pet Sept 22. Leeds, Oct 10 at 11. Ward, Leeds.  
 Marsh, Thos, Southampton, Watchmaker. Pet Sept 27. Southampton, Oct 16 at 12. Mackey, Southampton.  
 Matthews, Geo, York, Butcher. Adj Sept 20. York, Oct 12 at 11. Young, York.  
 Metcalf, John, Huddersfield, Painter. Pet Sept 17. Huddersfield, Oct 17 at 10. Taylor, Huddersfield.  
 Mills, Fredk, Beccles, Suffolk, Tailor. Pet Sept 17. Beccles, Oct 12 at 4. Kent, Beccles.  
 Mungford, Jas, Southsea, Com Agent. Adj Sept 12. Portsmouth, Oct 11 at 11. Howard, Portsmouth.  
 Oliver, Cornelius Moon, Trewidland, Cornwall, Farm Superintendent. Pet Sept 28. Exeter, Oct 13 at 12. Hingston, Liskeard, and Turrell, Exeter.  
 Parker, Wm, Yeovil, Somerset, Saddler. Pet Sept 27. Yeovil, Oct 14 at 11. Fear, Sherborne.  
 Pearson, Daniel, Liversedge, York, Iron Smelter. Pet Sept 8. Leeds, Oct 10 at 11. Iveson, Hecombowdike, and Bond & Barwick, Leeds.  
 Perkins, John, Irthingborough, Northampton, Shoe Manufacturer. Pet Sept 26. Wellingborough, Oct 5 at 11. Wills, Northampton.  
 Plinkett, Jas Gunning, Lpool, Barman. Pet Sept 26. Lpool, Oct 14 at 3. Bitton, Lpool.  
 Rainford, Wm, Witley, Surrey, Greener. Pet Sept 21. Godalming, Oct 12 at 12. White, Dane's Inn, Strand.

Raven, John Hy, Chiddingfold, Sussex, out of business. Pet Sept 27. Hastings, Oct 15 at 11. Hilton, Hastings.  
 Rawnsley, John, Little Horton, nr Bradford, Wool and Waste Dealer. Adj Sept 20. Bradford, Oct 18 at 10. Terry & Watson, Bradford.  
 Richards, John, Cardiff, Shipowner. Pet Sept 26. Bristol, Oct 10 at 11. Grover & Davis, Cardiff, and Press & Inksp, Bristol.  
 Ridout, Robt, Farmer, Prisoner for Debt, Dorset. Pet Sept 13. Exeter, Oct 13 at 11.30. Parkyns, Exeter.  
 Rogers, Thos, Newport, Salop, Butcher. Pet Sept 26. Birm, Oct 10 at 12. Heane & Son, Newport, and Reere & Harris, Birm.  
 Shaw, Geo, Watchmaker, Prisoner for Debt, Lincoln. Adj Sept 14. Spalding, Oct 10 at 10. Percival, Spalding.  
 Watson, John Wallman, Cambridge, Publican. Pet Sept 23. Cambridge, Oct 10 at 12. Whitehead & French, Cambridge.  
 Watson, Wm, Ryton, Durham, Nail Maker. Pet Sept 26. Newcastle-upon-Tyne, Oct 18 at 12. Scaife & Britton, Newcastle-on-Tyne.  
 Wight, Geo, Birm, Gun Stocker and Dealer. Pet Sept 27. Birm, Oct 17 at 10. Parry, Birm.  
 Williams, Joseph, Aston, nr Birm, out of business. Pet Sept 27. Birm, Oct 17 at 10. Harrison, Birm.  
 Windsor, Thos, Carnarvon, Publican. Pet Sept 26. Lpool, Oct 14 at 11. Best, Lpool.  
 Woodward, Thos, Barton-under-Needwood, Stafford, out of business. Pet Sept 26. Barton, Oct 15 at 1. Prince, Barton.  
 Yeates, John, Southport, Lancaster, Schoolmaster. Pet Sept 22. Ormskirk, Oct 6 at 9.30. Higginbottom, Southport.

TUESDAY, Oct. 4, 1864.

To Surrender in London.

Barrett, Wm Garland, North End, Croydon, Tutor and Writer for the Press. Pet Sept 28. Oct 14 at 1. Wetherfield, Moorgate-st.  
 Bedford, Paul John Campbell, Ashley-pl, Westminster, Money Scrivener. Adj Sept 23. Oct 15 at 1. Aldridge.  
 Bedy, Jas Welford, Bouverie-st, Fleet-st, Painter. Adj Sept 22. Oct 15 at 12. Aldridge.  
 Chown, Hy, Lion-college-gardens, London-wall, Wine Merchant. Adj Sept 22. Oct 15 at 11. Aldridge.  
 Craft, Wm Hy, Litchfield-st, Soho, Painter. Pet Sept 27. Oct 14 at 1. Serrell, Lincoln's-inn-fields.  
 Crofts, Jas, Crown-st, Covent-garden, Dealer in Musical Instruments. Adj Sept 22. Oct 15 at 11. Aldridge.  
 Feldwick, Jonathan, Redhill, Surrey, Builder. Pet Oct 1. Oct 19 at 11. Poole, Bartholomew-clos.  
 Gardiner, Benj, Bywater-st, Chelsea, Watchman. Pet Oct 1. Oct 19 at 11. Cooper, St Martin's-lane.  
 George, Wm, Aldenham-st, St Pancras, out of business. Pet Sept 29. Oct 17 at 1. Nash & Field, Suffolk-lane.  
 Goldberg, Harris, South-st, Golden-sq, Piece Broker. Pet Sept 29. Oct 17 at 12. Lewis, St Marlborough-st.  
 Goudie, John Brackenbury, Winchester, out of business. Pet Sept 30. Oct 14 at 1. Bee, Lincoln's-inn-fields.  
 Hamshaw, Thos, Huntsworth-ter, Portman-market, Coach Proprietor. Adj Sept 22. Oct 15 at 11. Aldridge.  
 Hardy, Thos, Hereford-st, May Fair, Baker. Adj Sept 22. Oct 15 at 11. Aldridge.  
 Howe, Wm Evans, Wine and Spirit Merchant, Prisoner for Debt, London. Adj Sept 23. Oct 15 at 11. Aldridge.  
 Iredale, Mary, Hamilton-st, Camden-lane, Widow, Baker. Pet Sept 28. Oct 14 at 1. Hill, Basinghall-st.  
 Joubin, Adolphe, St Denis-pl, Gracechurch-st, Commission Agent. Adj Sept 23. Oct 15 at 12. Aldridge.  
 Kinsky, Auguste, Guildhall-chambers, Basinghall-st, General Merchant. Adj Sept 23. Oct 15 at 12. Aldridge.  
 Lewis, Isaiah, Eldon-st, Finsbury, Furniture Dealer. Pet Sept 29. Oct 14 at 12. Beard, Basinghall-st.  
 Lowenthal, Julius, Little Tower-st, Cheesemonger. Pet Sept 19. Oct 17 at 1. Matthews & Co, Leadenhall-st.  
 Mackenzie, Sir Jas John Mandall, Bart, Prisoner for Debt, London. Pet Sept 28. Oct 17 at 12. Lawrence & Co, Old Jewry Chambers.  
 Parsons, John Edwd, Crown-st, Soho, Carpenter. Adj Sept 22. Oct 15 at 12. Aldridge.  
 Raymond, Louis, Prisoner for Debt, London. Adj Sept 22. Oct 15 at 12. Aldridge.  
 Roberts, Robt, Arlington-sq, New North-rd, Mantle Manufacturer. Adj Sept 22. Oct 15 at 12. Aldridge.  
 Sanson, Chas Thos, Montpelier-rd, Peckham, Clerk in the Queen's Bench Office, Temple. Pet Sept 27. Oct 14 at 12. Cook, King-st.  
 Sexton, Wm Hy, Milton-rd, Hornsey New-town, Stationer's Assistant. Pet Sept 26. Oct 14 at 12. Nicholson, Lime-st.  
 Sladden, Wm, Crowndale-rd, Camden-town, Attorney. Pet Oct 1. Oct 29 at 11. Chipperfield, Trinity-street, Southwark.  
 Stone, Francis, Burghclere, Southampton, Farmer. Pet Sept 29. Oct 17 at 1. Newman, Suffolk-lane.  
 Taulagne, Auguste, Greek-st, Soho, Comm Agent. Adj Sept 22. Oct 15 at 12. Aldridge.  
 Trier, Wm Hy, Hen and Chicken-lane, Walworth, Retail Brewer. Pet Sept 30. Oct 14 at 1. Wyatt, Cannon-st, Westminster.  
 Wallley, Thos, Caroline-ter, Hammer-smith, Commercial Traveller. Pet Sept 29. Oct 17 at 12. Dabols, Church-passage, Gresham-st.  
 Way, Joseph Toser, Burlington-mews, Westbourne-grove, Carpenter. Pet Sept 27. Oct 14 at 12. Dobie, Gt James-st, Bedford-row.  
 Weldon, Walter, Falcon-st, Fleet-st, Publisher. Adj Sept 22. Oct 15 at 12. Aldridge.  
 Wollen, Hy, Fore-st, Cripplegate, Cheesemonger. Pet Sept 27. Oct 17 at 12. Sibson, New-inn, Strand.  
 Young, Fredk, Elizabeth-ter, Clapham, Pianoforte Tuner. Pet Oct 1. Oct 19 at 11. Wyatt, Gt Carter-lane, Doctors'-commons.  

To Surrender in the Country.

 Bailey, John, Lpool, Clog and Patten Maker. Pet Sept 24 (for pau). Lan-aster, Oct 14 at 12. Rawlinson, Lancaster.  
 Bee, Matthew Stevenson, Gt Grimaby, Tailor. Pet Sept 19. Gt Grimaby, Oct 21 at 11. Winttingham, Gt Grimaby.  
 Bentley, Geo, Little Dale, Stafford, Labourer. Pet Sept 30. Cheadle, Oct 20 at 11. Winstanley, Newcastle-under-Lyme.  
 Bray, Edwin, Ibbotek, nr Ashby-de-la-Zouche, Colliery Proprietor. Pet Oct 1. Birm, Oct 21 at 11. North & Sons, Leeds.  
 Breakell, Chas, Preston, out of business. Pet Sept 24 (for pau). Lan-aster, Oct 14 at 12. Gardner, Manch.

Brockhurst, Wm, Bulwell, Nottingham, Licensed Victualler. Pet Oct 1. Nottingham, Oct 19 at 10. Buttery, Nottingham.  
 Brodgen, Thos, Leeds, Currier. Pet Sept 20. Leeds, Oct 17 at 11. Simpson, Leeds.  
 Brunyeo, Geo, Chatham-hill-rd, nr Manch, Plasterer. Pet Sept 20. Manch, Oct 19 at 11. Farrar, Manch.  
 Coltherup, Riehd, Portsmouth, Greengrocer. Pet Sept 28. Portsmouth, Oct 19 at 11. Wallis, Portsmouth.  
 Cuts, Edwd, Sheffield, Licensed Victualler. Pet Sept 29. Sheffield, Oct 19 at 1. Micklethwaite, Sheffield.  
 Davies, Thos, Lpool, Barmen. Pet Sept 28. Lpool, Oct 17 at 3. Grocott, Lpool.  
 Downing, Edwd Crowe, Blideston, Suffolk, Innkeeper. Pet Sept 23. Hadleigh, Oct 17 at 3. Moore, Ipswich.  
 Edwards, Joseph, Worcester, Coal Dealer. Pet Sept 29. Worcester, Oct 17 at 11. Corrie, Worcester.  
 Ellicott, Hy, Mountain Ash, Glamorgan, Shoemaker. Pet Sept 25. Aberdare, Oct 18 at 11. Plews, Merthyr Tydfil.  
 Fairhall, Joseph, Minister, Isle of Sheppey, Farm Bailiff. Pet Oct 1. Sheerness, Oct 22 at 11. Hayward, Rochester.  
 Fallows, Wm, Wigan, Oil and Grease Manufacturer. Pet Oct 1. Manch, Oct 20 at 1. Darlington, Wigan.  
 Fawell, Nathan, West Haukswell, York, Farmer. Adj Sept 20. Leeds, Oct 17 at 11. Young, Leeds.  
 Goode, Thos, Burbage, Leicester, Farmer. Pet Sept 30. Hinckley, Oct 13 at 10. Cowdell Jn, Hinckley.  
 Hoppe, Cunningham Levers, and Gilbert Vance Hunter, Lpool, Provision Merchants. Pet Sept 26. Lpool, Oct 10 at 11. Eddy, Lpool.  
 Howard, Thos Holbrook, Prisoner for Debt, Somerset. Pet Sept 30. Exeter, Oct 17 at 12. Trenchard, Taunton, and Clarke, Exeter.  
 Jemison, Eliz, Margate, Railway Station Attendant. Pet Sept 26. Margate, Oct 17 at 3. Towne, Margate.  
 Milner, Geo, Birm, Saw Maker. Pet Sept 30. Birm, Oct 17 at 10. East, Birm.  
 Morris, Jas, Aberavon, Glamorgan, Shoemaker. Pet Sept 30. Bristol, Oct 14 at 11. Cuthbertson, Neath, and Press & Inksp, Bristol.  
 Nortcliffe, James, a Prisoner for Debt, Lancaster. Pet Sept 24 (for pau). Lancaster, Oct 14 at 12. Rawlinson, Lancaster.  
 O'Connor, Bernard, Runcorn Gap, Lancaster, Clothier. Pet Oct 3. Lpool, Oct 17 at 11. Whitley, Lpool.  
 Paterson, Saml, Lpool, Grocer. Pet Sept 26. Lpool, Oct 14 at 11. Evans & Co, Lpool.  
 Paxton, Geo, Euston-rd, no occupation. Pet Oct 1. Manch, Oct 20 at 11. Allen, Manch.  
 Pronger, Geo, Hurley, Surrey, Foreman to a Timber Merchant. Pet Sept 28. Reigate, Oct 18 at 3. Crossfield, Hackney-rd, London.  
 Pyle, Geo, Blackburn, Cotton Manufacturer. Pet Oct 1. Manch, Oct 19 at 12. Smith & Boyer, Manch.  
 Rabey, Paul, Jn, Redruth, Cornwall, Comm Agent. Pet Oct 1. Exeter, Oct 17 at 11.30. Ablett, Basinghall-st, London, and Clarke, Exeter.  
 Rowe, John, Toftmill, Durham, Grocer. Pet Sept 29. Bishop Auckland, Oct 19 at 10. Thornton, Bishop Auckland.  
 Renard, Alfred, Birm, Upholsterer. Pet Sept 30. Birm, Oct 17 at 12. East, Birm.  
 Rowton, Hy, Dudley, Chemist. Pet Sept 26. Dudley, Oct 15 at 12. Lowe, Dudley.  
 Shipman, John, Leeds, out of business. Pet Sept 29. Leeds, Oct 14 at 12. Harle, Leeds.  
 Thornton, Ebenezer, Manch, Accountant. Pet Oct 1. Leeds, Oct 17 at 11. Naylor, Leeds.  
 Wilkinson, Edwd, Workshop, Nottingham, Carver. Pet Oct 1. Workshop, Oct 15 at 10. Clough, Workshop.  
 Wingrove, Chas, Gt Leighs, Essex, Cattle Dealer. Pet Sept 28. Braintree, Oct 15 at 10. Duffield, Chelmsford.

#### BANKRUPTCIES ANNULLED.

TUESDAY, Oct. 4, 1864.

Chappell, John Wm, Connaught-ter, Paddington, Gent. Sept 29.  
 Fox, Wm Edwd, West Hoathly, Sussex, Farm Bailiff. Sept 21.

#### ESTATE EXCHANGE REPORT.

AT GARRAWAY'S.

Sept. 20.—By Messrs. GALSWORTHY & CHINNOCK.  
 Freehold residence, standing in its own grounds of nearly 3 acres, situate on Western-hill, Upper Norwood, with stabling, outbuildings, &c.—Sold for £3 900.  

Oct. 6.—By Mr. MARSH.  
 Freehold dwelling-house and shop, being No. 6, Wormwood street, City—Sold for £2,500.  
 Improved leasehold ground-rents, amounting to £108 1s. per annum, secured on property situate in Whitmore-road, Francis-street, and St. Anne's-place, Hoxton; also on four houses situate in Hill street, Walworth—Sold for £1,500.  
 Leasehold, 4 dwelling-houses, being Nos. 1 to 4, Hertford-place, Haggerstone, producing £36 per annum; term, 63 years from September, 1817; ground-rents, £12 12s. per annum—Sold for £255.  
 The remainder is the simple of a gentleman aged 34, contingent on his surviving his mother, aged 62, to freehold property, comprising Nos. 17 and 17a, Old Bailey, producing rentals amounting to £129 7s. per annum—Sold for £350.  
 The remainder is fee simple of a gentleman aged 34, contingent on his surviving his mother and uncle, aged 62 and 63, in a moiety of freehold property, situate in the rear, and comprising part of the King of Denmark public-house premises, Old Bailey—Sold for £165.  
 3 £100 shares fully paid up in Fowler's Patent Steam Plough Royalty Company—Sold in one lot for £210.  
 An annuity or fee farm rent of £2 1s. 4d. per annum, secured on property situate at Hartwell, Bucks.—Sold for £42.  
 An annuity of £6 per annum, payable during the life of a lady aged 48, charged on freehold and copyhold estates situate at Kintore, Herts, and leasehold estates in Middlesex—Sold for £40.  
 Policy of assurance for £1,500 in the Imperial Life Assurance Company, on the life of a gentleman aged 67 years—Sold for £100.  

By Messrs. NASH.  
 Copyhold farm, situate at Leigh, Surrey, containing 14a 0r 11p of meadow and arable land—Sold for £1,020.

